

BR

IN THE UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

Rodrigo ALVEAR,

*Plaintiff,*

vs.

Robert Blackwood, U.S. Citizenship and  
Immigration Services; Robert S. Mueller,  
Federal Bureau of Investigation;  
Michael Mukasey, U.S. Attorney General;  
Michael Chertoff, Secretary, Department of  
Homeland Security;

*Defendants*

KC FILED  
DEC 20 2007  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

07CV7152  
JUDGE COAR  
MAGISTRATE JUDGE COLE

COMPLAINT AND PETITION FOR REVIEW

COMES NOW Plaintiff, Rodrigo Alvear, by and through undersigned counsel, and requests a hearing before the Court on the subject of Plaintiff's Naturalization application, which has been pending for more than 120 days without resolution; asks the Court for mandamus relief to order the timely resolution of a pending background check; and argues that the Agencies' background check rules were either improperly enacted or do not apply.

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction over the complaint under at least the following jurisdictional provisions: 28 U.S.C. § 1331 (because questions of federal law are presented); 8 U.S.C. § 1447(b) (granting district court jurisdiction

to review naturalization applications); and 28 U.S.C. § 1361 (mandamus jurisdiction).

2. Pursuant to 29 U.S.C. § 1391, venue is proper in this district on either of the following grounds: (1) the plaintiff resides in this judicial district, the defendants are officers of the United States or agencies of the United States, and no real property is involved (28 U.S.C. § 1391(e)(3)); or (2) acts or omissions giving rise to the action occurred in this District, as Plaintiff's application for naturalization was processed in part by the Chicago office of U.S. Citizenship and Immigration Services (28 U.S.C. § 1391(e)(2)).

#### THE PARTIES

3. Rodrigo Alvear (Mr. Alvear) is a long-time United States permanent resident who is applying for naturalization under 8 U.S.C. § 1440, as an honorably discharged veteran of the United States Armed Forces who served during an a period of military hostilities.
4. Defendant U.S. Citizenship and Immigration Services (USCIS) is the Agency charged with adjudicating the Mr. Alvear's application for naturalization.
5. Defendant Robert Blackwood (Blackwood) is being sued in his official capacity as the District Director of the USCIS for the Chicago District. As such, he is charged with the duty of administration and enforcement of all the functions, powers, and duties of USCIS in the Chicago District.
6. Defendant Robert S. Mueller, III (Mueller), is being sued in his official capacity as the Director of the Federal Bureau of Investigation (FBI). As such, he is

charged with conducting background checks of applicants for naturalization when requested to do so by the USCIS.

7. Defendant Michel M. Mukasey (Mukasey) is being sued in his official capacity as the Attorney General of the United States. He is authorized by Congress to naturalize persons as citizens of the United States. 8 U.S.C. § 142(a).
8. Defendant Michael Chertoff (Chertoff) is being sued in his official capacity as the Secretary of the Department of Homeland Security (DHS). As of February 15, 2005, Chertoff has been responsible for the administration of the USCIS, which provides certain immigration related services including naturalization. 8 U.S.C. § 1103.
9. Defendant Department of Homeland Security is the Agency with overall responsibility for applications for Naturalization, including coordinating the timely completion of background checks with the Federal Bureau of Investigation.

#### FACTUAL ALLEGATIONS

10. Mr. Alvear served in the United States (U.S.) Armed Forces during a period of military hostilities, as defined at 8 U.S.C. § 1440(a). Ex. A-I. On December 12, 1977, Mr. Alvear was honorably discharged from the U.S. military. Ex. J. Mr. Alvear has been determined to be entitled to compensation by the Veterans Administration due to "service connected disability." Ex. K.
11. On April 10, 2003, Mr. Alvear filed an application for citizenship pursuant to 8 USC § 1440, as an individual who had served in the armed forces during a period of military hostilities and had been honorably discharged. Ex. L.

12. USCIS confirmed receipt of Mr. Alvear's application for Naturalization, USCIS Form N-400, on April 29, 2003. Ex. M. Although USCIS notified Mr. Alvear that he needed additional evidence in support of his application, he was notified that he would be separately instructed on the evidence he was to bring with him to his interview. *Id.*
13. On October 15, 2003, Mr. Alvear was again notified by USCIS that, because he had applied for naturalization under 8 USC § 1440, he needed to complete a Request for Certification of Military or Naval Service. Ex. N. Mr. Alvear ultimately provided the certification on the day of his interview. Ex. O.
14. On April 1, 2004, Mr. Alvear was interviewed on his application for naturalization. On that day, he passed the requisite tests on English and U.S. history and government. Ex. P. Mr. Alvear was informed that he would receive a written decision on his application. *Id.*
15. Four months later, after having received no word from the Agency, Mr. Alvear made a status inquiry to USCIS. USCIS responded on August 19, 2004 that "all efforts will be made to respond to your inquiry within 90 days of receipt." Ex. Q.
16. On September 8, 2004, Mr. Alvear made another status inquiry through the office of Congressman Luis Gutierrez. Ex. R.
17. On September 30, 2004, the office of Congressman Gutierrez forwarded a response from USCIS received on September 27, 2004 stating that Mr. Alvear's application was being held pending a name check completion. Ex. S.
18. Approximately 5 months later, having received no further word from USCIS, Mr. Alvear made another status inquiry through the office of Congressman

- Gutierrez. In response to Congressman Gutierrez' inquiry, USCIS again informed Congressman Gutierrez' office on May 3, 2005 that Mr. Alvear's application was being held pending a name check completion. Ex. T.
19. On January 11, 2007, Mr. Alvear filed a Freedom of Information Act (FOIA) request with USCIS, requesting copies of his complete immigration file. In response, USCIS notified Mr. Alvear that a search of the USCIS records locator index system indicated that the requested information by Mr. Alvear "is lost or missing." Ex. U.
20. Mr. Alvear has been convicted on two occasions for criminal offenses. See Ex. V. In 1984, Mr. Alvear pled guilty to the misdemeanor offense of Use of Cocaine in the State of Michigan. *Id.* In 1996, Mr. Alvear pled guilty Battery in the State of Illinois. *Id.*
21. Mr. Alvear is presently employed with the United States Postal Service, which he has served for 30 years. Ex. W. As an employee of the USPS, Mr. Alvear is specifically assigned to the military mail unit. In order to work in this unit, Mr. Alvear had to previously submit to a security background clearance.
22. Mr. Alvear has been an active member of the Harvest Christian Center for the past 10 years. Ex. X.
23. More than 120 days have now passed since Mr. Alvear's initial naturalization interview. Moreover, Mr. Alvear's application is taking far more than the average processing time; the Chicago office of the USCIS ordinarily adjudicates Naturalization applications in approximately seven months. USCIS, "Chicago Illinois Processing Times," *available at*

<https://egov.uscis.gov/cris/jsp/officeProcesstimes.jsp?selectedOffice=16> (last visited Dec. 19, 2007).

**Statutory Framework of Naturalization Review and Background Checks**

24. Section Six of the Administrative Procedure Act (APA) directs agencies to conclude matters presented to them “within a reasonable time.” 5 U.S.C. § 555(b). When an agency fails to conclude a matter presented to it with a reasonable time, the APA grants judicial review to “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).
25. A person seeking to be naturalized starts the process by filing an application (called an N-400). When the application is received (the filing date), it starts a review process by the USCIS.
26. As part of the review, USCIS conducts an initial in-person examination of each applicant seeking to be naturalized. Among other things, the examiner assesses the applicant’s command of English and addresses issues of concern to USCIS.
27. The initial examination date also starts a 120-day time period running. By rule, a decision to grant or deny the naturalization application must take place “at the time of the initial examination or within 120 days after the date of the initial examination.” 8 C.F.R. § 335.3(a). If USCIS fails to adjudicate the application within the 120-day period, the applicant can file an action in District Court to have his or her application adjudicated. 8 U.S.C. § 1447(b).
28. Section 1571 of Title 8 of the United States Codes states that “it is the sense of Congress that the processing of an immigration benefit application [including

naturalization] should be completed not later than 180 days after the initial filing of the application.”

**The FBI’s “Name Check” Program**

29. As part of the review process for naturalization applications, USCIS conducts background investigations of the naturalization applicants. 8 U.S.C. § 1446(a); 8 C.F.R. §§ 335.1, 335.2.
30. Since 1997, Congress has also required that the immigration agencies – currently, USCIS – wait for the FBI to conduct a “full criminal background check” for a naturalization applicant before adjudicating the application. Pub. L. 105-119, Title I, 111 Stat. 2440, 2448-49 (1997); 8 C.F.R. § 335.2(b).
31. The Agency thereafter promulgated regulations, requiring background checks and requiring applicants to submit their fingerprints and have been subject to full criminal background checks. 8 C.F.R. § 335.2(b). Those regulations were promulgated on December 3, 1997.
32. Naturalization applicants pay substantial fees relating to the background checks, and those fees are set specifically to insure that DHS recovers “the full cost” of providing the service. These fees are in addition to the fees charged for the naturalization application itself.
33. The fingerprint fee was \$25 until February 19, 2002, when it was raised to \$50 per applicant. 8 C.F.R. § 103.7. The increase was instituted after review as “both necessary and justified in an effort to recover the full cost of providing the service in accordance with applicable fee setting laws, regulations, and guidance.” 66

- Fed. Reg. 65811 (Dec. 21, 2001). The fee was raised again, to \$70 per applicant, effective April 30, 2004, "to ensure sufficient funding to process incoming applications." 69 Fed. Reg. 20528 (Apr. 15, 2004). The fingerprint fee was recently raised to \$80 effective July of 2007. 72 Fed. Reg. 29851 (May 30, 2007).
34. On information and belief, the FBI name check (not the fingerprint or IBIS review) is the primary cause for delaying the adjudication of applications beyond the 120-day time period mandated by regulation.
35. On information and belief, the FBI name check has rarely, if ever, revealed significant "criminal background" information that was not revealed in the FBI fingerprint or IBIS checks concerning an applicant's eligibility for naturalization.
36. The USCIS Ombudsman has expressed, "agree[ment] with the assessment of many case workers and supervisors at USCIS field offices and service centers that the FBI name check process has limited value to public safety or national security, especially because in almost every case the applicant is in the United States during the name check process, living or working without restriction." Ex. Z.

**COUNT ONE**  
**(Petition for Review of Naturalization Delay)**

37. Mr. Alvear re-alleges and incorporates by reference the allegations made above in paragraphs 1-23.
38. By statute, Congress permits an applicant for Naturalization to seek review in District Court whenever the Agency fails to decide on a naturalization application within 120 days of the initial examination. 8 U.S.C. § 1447(b).



39. USCIS conducted an in-person examination of Mr. Alvear on April 1, 2004; more than 650 days have passed since the initial filing without adjudication.
40. Under § 1447(b), the Court has the power to “either determine the matter or remand the matter, with appropriate instructions.”
41. Mr. Alvear asks the Court to take jurisdiction over this matter, and to enter final relief ordering the Agency to grant Naturalization. . The purpose of the 120 jurisdictional rule is to grant long-delayed applicants a safety valve to obtain adjudication of applications. Generally available techniques for narrowing disputed issues in federal proceedings, such as Requests to Admit and Summary Judgment motions, should permit efficient handling of this case, under the unique facts at issue here.

**COUNT TWO:  
(Administrative Procedures Act: Notice and Comment)**

42. Mr. Alvear re-alleges and incorporates by reference the allegations made above in paragraphs 1-23.
43. The Immigration Agency Defendants – DHS, USCIS, Blackwood, Chertoff, and Mukasey – were legally required to follow specified procedures before enacting new rules, pursuant to the Administrative Procedure Act (APA).
44. The USCIS (then the Immigration and Naturalization Service (INS)) enacted an unpublished, internal rule which required “FBI name checks” to be made, in addition to the other background checks performed on Naturalization applicants.
45. USCIS has never given the public the opportunity to comment upon this rule.

46. In light of the fact that the FBI name check is primarily responsible for a substantial backlog in the processing of naturalization applications, it is reasonably possible that there would be substantial public comment regarding the adoption of the additional check. Such comments might well suggest reasonable alternatives to the check, or limitations to be placed upon its use in this context.
47. The new rule created by the USCIS was legislative in nature, inasmuch as it claims to be legislative in nature by requiring additional background checks for the purpose of protecting national security.
48. The new unpublished rule created by USCIS also creates new law by effectively overruling the regulatory requirement that the Defendants make a timely decision on naturalization cases.
49. Because the internal agency's substantive rule requiring completion of FBI name checks for "reference" files as well as main files was enacted without public notice and without the opportunity for the public to comment on the rule, it violates the APA.
50. Mr. Alvear is directly affected and prejudiced by this Agency action.

**COUNT THREE**  
**(Violation of the Administrative Procedure Act)**

51. Mr. Alvear re-alleges and incorporates by reference the allegations made above in paragraphs 1-23.
52. The Defendants are legally required to adjudicate all naturalization applications within "a reasonable time" as set forth in section 555(b) of the Administrative Procedure Act (APA). 5 U.S.C. § 555(b).

53. One common federal court approach to assessing governmental delay are the “TRAC Factors,” see 33 Wright & Miller: Federal Prac. & Proc. § 8387 (2007), a six-part test created by the D.C. Circuit:

(1) the time agencies take to make decisions must be governed by a “rule of reason”; (2) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason; (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (4) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account the nature and extent of the interests prejudiced by delay; and (6) the court need not “find any impropriety lurking behind agency lassitude in order to hold that agency action is ‘unreasonably delayed.’

*Telecommunications Research and Action Center v. F.C.C.*, 750 F.2d 70, 80 (D.C. Cir. 1984) (citations omitted).

54. In this context, two federal statutes provide “content” to the “rule of reason”: (a) 8 U.S.C. § 1571 (setting general standard that immigration applications should be adjudicated within 180 days); and (b) 8 U.S.C. § 1447(b) (where naturalization application delayed more than 120 days, applicant can go to federal court), see also 8 C.F.R. § 335.3(a) (requiring adjudication within 120 days of interview). Petitioner is not arguing that it is always unreasonable to delay adjudication beyond the 120 day point, but merely that the 120 day point is the point against which reasonableness must be measured.

**§ 552** When an agency fails to conclude a matter presented to it with a reasonable time, the APA grants judicial review to “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

56. Defendants have failed to adjudicate the Plaintiff’s application within a reasonable amount of time. The post-interview delay in this case is 11 times

longer than the period permitted by regulation, and which is considered reasonable.

57. The APA also permits the Court to enjoin Governmental rules which are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law... [or] in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A), (C).
58. In this case, the Agency has decided to ignore its regulatory obligation to adjudicate the application within a set time period, and has decided instead to follow an unpublished background check rule that (it claims) requires it to wait.
59. The Court may determine whether the unpublished rule is (a) in excess of statutory authority inasmuch as it was brought into force without notice and comment; (b) arbitrary and capricious, inasmuch as the Government’s unpublished rule contains no limitations on the delay and inasmuch as the Government fails and refuses to enact mechanisms to permit expedited treatment where necessary; (c) an abuse of discretion; or (d) not otherwise in accordance with the law, which both explicitly and implicitly requires that the agency complete naturalization processing within prompt time periods.
60. Alternately, or in addition, the Court may find that while the Agency’s unwritten rule is reasonable in many cases, its application in the instant case has been arbitrary, capricious, unreasonable, contrary to law and regulation, an abuse of discretion, and in excess of the Agency’s authority.
61. Assuming *arguendo* that the new unwritten rule adopted by the Defendants requiring extra name checks was “interpretative” in nature, that rule receives only

the level of deference reached under *Skidmore v. Swift & Co.*, 323 U.S. 134, 140, 65 S.Ct. 161, 164, 89 L.Ed. 124 (1944). Under the *Skidmore* rule, “[t]he weight given to an agency interpretation depends on many factors, including the validity of its reasoning, its consistency with earlier and later agency pronouncements and whether the administrative document was issued contemporaneously with the passage of the statute being interpreted.” *Doe v. Reivitz*, 830 F.2d 1441, 1447 (7th Cir.1987), amended, 842 F.2d 194 (7th Cir.1988); see also *Hanson v. Espy*, 8 F.3d 469, 473 n.3 (7th Cir. 1993).

**COUNT FOUR:**  
**(Mandamus for Immigration Agency Defendants)**

62. Mr. Alvear re-alleges and incorporates by reference the allegations made above in paragraphs 1-23.
63. The Immigration Agency Defendants – DHS, USCIS, Blackwood, Chertoff, and Mukasey – owe Mr. Alvear the duty to act upon their applications in a timely manner. Mr. Alvear has a right to have his application adjudicated in a timely manner.
64. The Immigration Agency Defendants are violating their duty by failing to adjudicate the application in a timely manner, by (a) refusing to make any decision on cases relating to Mr. Alvear’s case until background checks are completed, (b) failing to obtain a timely response from the FBI and other federal agencies regarding the background check; (c) failing to communicate with the FBI and/or other federal agencies regarding long-delayed background checks; (d)

by adopting a policy of refusing to request expedited handling of background checks for cases pending longer than permitted by regulation.

65. Moreover, the Court may order the immigration Defendants to comply with their regulatory requirements, notwithstanding the unpublished background check rule, if it concludes that the rule is unreasonable, or if it concludes that the rule is unreasonably applied.
66. Mr. Alvear has a right to a timely adjudication of his application for Naturalization.
67. Mr. Alvear has already exhausted all available administrative remedies.

**COUNT FIVE:**  
**(Mandamus to FBI for Completion of Background Checks)**

68. Mr. Alvear re-alleges and incorporates by reference the allegations made above in paragraphs 1-23.
69. The FBI Defendants – Mueller and the FBI – owe Mr. Alvear the duty to complete their background checks in a timely manner.
70. If the extra FBI name check is legitimately required as a condition precedent to naturalization adjudication, then Mr. Alvear's right to have his naturalization application adjudicated in a timely manner encompasses the right to have his background checks completed in a timely manner as well.
71. The FBI Defendants are violating their duty by failing to complete their background checks in a timely manner, by (a) refusing to effectively permit expedited handling of background checks which are long-delayed, (b) failing to institute a system which would permit timely completion of these background

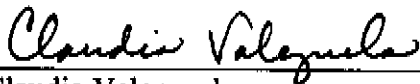
checks; (c) engaging in unnecessary extra checks by examining files unrelated to the plaintiff class; (d) refusing to give any partial response to the Immigration Agency requestors.

**72.** Mr. Alvear has exhausted all available administrative remedies.

PRAYER

WHEREFORE, Petitioner respectfully asks the Court to:

1. Take jurisdiction pursuant to 8 U.S.C. § 1447(b), and make a final ruling on Petitioner's Application for Naturalization.
2. Enter judgment in favor of the Petitioner and against the defendants, finding that the defendants' procedures for conducting background checks are unreasonable, in violation of 5 U.S.C. § 555(b)
3. Issue an order directing the defendants to abide by the dictates of 8 U.S.C. § 1422;
4. Issue an order enjoining the enforcement of the Agency's internal rule requiring completion of FBI name checks prior to adjudication of naturalization applications.
5. Order the Defendants to pay legal fees and costs in this action, and
6. Grant such other relief as the Court deems necessary and proper.



Claudia Valenzuela  
National Immigrant Justice Center  
208 S. LaSalle Street, Suite 1818  
Chicago, IL 60604  
T: (312) 660-1308  
F: (312) 660-1506

Date: December 20, 2007

DEPARTMENT OF THE ARMY  
HEADQUARTERS US ARMY TRAINING CENTER, INFANTRY AND FORT POLK  
FORT POLK, LOUISIANA 71489

ATZF- 2TB-B1

**SUBJECT:** Accelerated Advancement to Private E2

Private ALVEAR RODRIGO E 344-50-5421  
Company B, First Battalion  
Second BCT Brigade

1. Having successfully completed Basic Combat Training and having demonstrated outstanding soldierly qualities, you are advanced from Private 1 to Private E2 effective on the date of this letter.
2. This accelerated promotion is made under the provisions of paragraph 7-19b, AR 600-200 and is the result of your dedicated efforts, your exemplary conduct and attitude, and your demonstrated qualities of leadership. The officers and men of this organization join me in congratulating you as you receive this recognition of your accomplishments during your period of Basic Combat Training.
3. Copies of this letter are being placed in your official US Army records.

EFFECTIVE ON: 18 December 1974

18 December 1974

Date of Graduation

*Helmut H Haas*

HELMUT H HAAS  
CPT INF

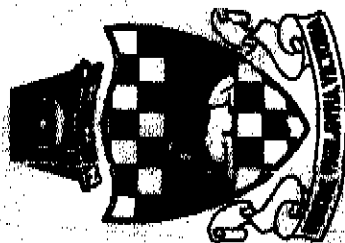
Commanding Officer



# U. S. Army Intelligence School

Fort Huachuca,

Arizona



*This is to certify that*

PRIVATE ALYAN, RICHARD E., 344-SO-5421

*has successfully completed the*

COMBAT AREA SURVEILLANCE BASIN COURSE

COURSE from 19 75 to 19 75  
20 JANUARY 19 JANUARY

RECORDED:

valid Unless  
SAICS Seal  
is Affixed

*[Signature]*

SECRETARY

*[Signature]*

COMMANDANT



DEPARTMENT OF THE ARMY  
COMPANY C, 2D SCHOOL BATTALION, SCHOOL BRIGADE  
UNITED STATES ARMY INTELLIGENCE CENTER AND SCHOOL  
Fort Huachuca, Arizona 85613

ATSI-PV-C

3 March 1975

SUBJECT: Letter of Commendation

PV2 Rodrigo E. Alvear  
344-50-5421  
Co C, 2d Sch Bn, Sch Bde, USAICS  
Fort Huachuca, AZ 85613

1. As Commander of Company C, 2d School Battalion, School Brigade, USAICS, and as Officer-in-charge of that Brigade's first Adventure/Survival Training exercise, it is my privilege to congratulate and commend you for your successful participation in that undertaking from 15 through 17 February 1975.
2. During three days and over 30 miles of rugged terrain and adverse weather in the Huachuca Mountains, the motivation, initiative, self-discipline, and interest which you demonstrated contributed directly to the morale, esprit de corps and stamina of all who participated. The mental endurance and physical resilience which you continuously exhibited reflect great credit upon your prowess as a soldier and your character as a man. The knowledge you gained about yourself during those three days of physical and mental challenge, and the qualities you evidenced while overcoming those challenges, will serve you well in all future endeavors.
3. A copy of this correspondence will be forwarded to your official personnel file to become a permanent part of your military record.

*William C. Huxenberg Jr.*  
WILLIAM C. HUXENBERG JR.  
CPT, MI  
Commanding

EXHIBIT

C



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3d BRIGADE (CHIEFS)  
4th INFANTRY DIVISION (MECHANIZED)  
Fort Carson, Colorado 80913

11 March 1976

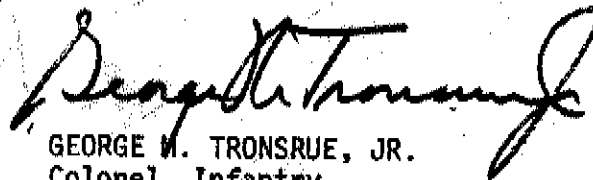
SUBJECT: Letter of Commendation

THRU: Commander  
1st Battalion (M) 8th Infantry  
4th Infantry Division (Mechanized)  
Fort Carson, Colorado 80913

TO: Specialist Four Rodrigo E. Alvear, 344-50-5421  
Combat Support Company  
1st Battalion (M) 8th Infantry  
4th Infantry Division (Mechanized)  
Fort Carson, Colorado 80913

1. Thank you for the outstanding effort you demonstrated during the recent 3d Brigade Ground Surveillance Radar Day. Your performance in preparing and giving the briefing on the PPS/4 Ground Surveillance Radar set added greatly to the knowledge of all who attended your briefing on this important intelligence asset.

2. Your exceptional performance of this duty shows that you are a competent soldier with notable pride and initiative. Congratulations on a job well done! Keep up the good work.



GEORGE M. TRONSRUE, JR.  
Colonel, Infantry  
Commanding



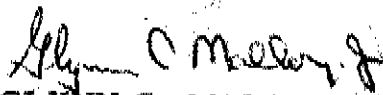
(11 March 1976) 1st Ind  
SUBJECT: Letter of Commendation

DA, Headquarters, 1st Battalion (Mechanized) 8th Infantry, 4th Infantry  
Division (Mechanized), Fort Carson, Colorado 80913 29 June 1976

THRU: Commander, Combat Support Company, 1st Battalion  
(Mechanized) 8th Infantry, 4th Infantry Division (Mechanized),  
Fort Carson, Colorado 80913

TO: Specialist Four Rodrigo E. Alvear, 344-50-5421, Combat  
Support Company, 1st Battalion (Mechanized) 8th Infantry,  
4th Infantry Division (Mechanized), Fort Carson, Colorado  
80913

1. It is a pleasure for me to receive and forward correspondence of this nature.
2. Personally and professionally, I add my commendation for your worthy efforts and express gratitude for your performance which brought distinction to you and the Eighth Infantry.
3. A copy of this correspondence will be placed in your official 201 file.

  
GLYNN C. MALLORY JR.  
LTC, Infantry  
Commanding



**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 1ST SQUADRON, 11TH ARMORED CAVALRY REGIMENT**  
**APO NEW YORK 09146**

AETCA-111

15 June 1976

SUBJECT: Letter of Commendation

THRU: Commanding Officer  
HHT, 1st Squadron  
11th Armored Cavalry Regiment  
APO NY 09146

TO: SP/4 Rodrigo E. Alvear  
244-50-5421  
HHT, 1st Squadron  
11th Armored Cavalry Regiment  
APO 09146

1. It gives me great pleasure to write this letter. I wish to express my commendation for the exceptional standards of performance you have demonstrated by being selected "Trooper of the Day". By being well informed and applying your skills or basic soldiering you have reflected great credit upon yourself, HHT, and the 1st Squadron, 11th Armored Cavalry Regiment. The feat of being selected "Trooper of the Day" is certainly a most note worthy accomplishment and one in which you should feel justifiably proud. Your, "can do attitude", demonstrated leadership, job knowledge and versatility indicates that you are the type of soldier needed in the contemporary Army. Young leaders trained today will be tomorrow's Senior Non-Commissioned Officer.
2. It is soldiers like you which allow this squadron to lead the way for others in the Regiment. Your dedication to duty, military knowledge, and determination to excel were the determining factors in your selection. This type of attitude and performance will make your term in the U.S. Army a rewarding and meaningful experience.

EXHIBIT

6


ABTCA-CSM

15 June 1976

SUBJECT: Letter of Commendation

3. Your professional attitude and can do spirit is an example worthy of emulation by all soldiers of "The First Of The Black Horse". I congratulate you on this outstanding achievement.

"ALLON"



JAMES W. "BOO" ALFORD  
CSM 1st Squadron  
11th Armored Cavalry Regiment

# DEPARTMENT OF THE ARMY



## *Certificate of Training*

*This is to certify that*

SP4 ROLRIGO E. ALVEAR

344-50-5421

*has successfully completed*

PHASE III RACE RELATIONS SEMINAR

*Given at* DOWNS BARRACKS, FULDA, GERMANY  
29 June 1976

*Robert L. Sauter*  
ROBERT L. SAULTER  
1LT FA  
Senior Race Relations Instructor





# Certificate of Achievement



## V Corps United States Army Europe and Seventh Army

is awarded to

SP4 RODRIGO E. ALVEAR, 344-50-5421

*For* OUTSTANDING PERFORMANCE OF DUTY DURING THE PERIOD 21 JUNE 1976 TO 2 JULY 1976 WHILE ASSIGNED TO THE "GENDER PLATOON" HEADQUARTERS TROOP, 1ST SQUADRON, 11TH ARMORED CAVALRY REGIMENT. DURING THIS PERIOD SP4 ALVEAR WAS RESPONSIBLE FOR ASSISTING IN THE CONDUCT OF SURVEILLANCE OF THE EAST/WEST INTERZONAL BORDER AND THE ROUTINE OPERATION OF OP ALPHA. HE PLAYED A VITAL ROLE IN THE SUCCESSFUL ACCOMPLISHMENT OF THE ASSIGNED MISSION AND HIS ACHIEVEMENTS REFLECT GREAT CREDIT UPON HIMSELF, THIS UNIT, AND THE UNITED STATES ARMY.

*David M. Maddox*  
DAVID M. MADDOX  
LTC, AR  
COMMANDING

This Day of JULY 19 76

EXHIBIT

6



# Certificate of Appreciation

TO RODRIGO E. ALVEAR

For personal effort and application to reduce deaths, injuries and property damage due to traffic accidents in the United States as demonstrated by successful completion of the National Safety Council's Defensive Driving Course.

For participation in the National Safety Council's campaign to make every driver a defensive driver.

US ARMY EUROPE, FULDA MILITARY COMMUNITY  
Name of Cooperating Agency



*Vincent L. Tofany*  
President

15 JUL 1976

Date

NATIONAL SAFETY COUNCIL DEFENSIVE DRIVING CAMPAIGN

N2 10072734





# 1<sup>st</sup> SQUADRON 11<sup>th</sup> Armored Cavalry

**To** All Who Shall See These  
Presents, Greetings,  
Sgt Rodrigo E. Alvear

Having capably performed vigorous duties as a member of this organization at its station along the border of the communist world in Germany, are hereby appointed a life time

Member of the Border Region

17 December 1977

*J. B. Taylor*  
1SG Armor  
Commanding

EXHIBIT

I

THIS IS AN IMPORTANT RECORD  
SAFEGUARD IT.

1. LAST NAME - FIRST NAME - MIDDLE NAME ALVEAR, RODRIGO EDUARDO				2. SEX M		3. SOCIAL SECURITY NUMBER 344 50 5421		4. DATE OF BIRTH YEAR MONTH DAY 55 09 18	
5. DEPARTMENT, COMPONENT AND BRANCH OR CLASS ARMY-RA				6. GRADE, RATE OR RANK SGT		7. DATE OF RANK YEAR MONTH DAY 77 06 28			
8. SELECTIVE SERVICE NUMBER 11 030 55 1101		9. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, STATE AND ZIP CODE LB #30 CHICAGO IL 60640		10. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Home, RFD, City, State and ZIP Code) 1321 W FOSTER AVE CHICAGO IL 60640					
11. TYPE OF SEPARATION REL FROM AD				12. STATION OR INSTALLATION AT WHICH EFFECTED FORT DIX, NEW JERSEY					
13. AUTHORITY AND REASON				14. EFFECTIVE DATE YEAR MONTH DAY 77 12 19					
15. CHARACTER OF SERVICE HONORABLE				16. TYPE OF CERTIFICATE ISSUED NONE		17. REENLISTMENT CODE			
18. LAST DUTY ASSIGNMENT AND MAJOR COMMAND HDQ HDQ TRP 1 SDQ 11 ARM CAV REG *				19. COMMAND TO WHICH TRANSFERRED USAR CON GP(REINF) RCPAC ST LOUIS MO					
20. TERMINAL DATE OF RESERVE/RECALL YEAR MONTH DAY 80 10 09		21. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City, State and ZIP Code) CHICAGO IL 60607				22. DATE ENTERED ACTIVE DUTY THIS PERIOD YEAR MONTH DAY 74 10 31			
23. PRIMARY SPECIALTY NUMBER AND TITLE 17K20 GD SRVL RDR CRMN 750219 ES 98 7505		24. RELATED CIVILIAN OCCUPATION AND D.O.T. NUMBER NA		25. RECORD OF SERVICE		26. DATE ENTERED ACTIVE DUTY THIS PERIOD			
27. SECONDARY SPECIALTY NUMBER AND TITLE NA		28. RELATED CIVILIAN OCCUPATION AND D.O.T. NUMBER NA		29. NET ACTIVE SERVICE THIS PERIOD (a) PRIOR ACTIVE SERVICE (b) TOTAL ACTIVE SERVICE (a + b) (c) PRIOR INACTIVE SERVICE (d) TOTAL SERVICE FOR PAY (a + b) (e) FOREIGN AND/OR SEA SERVICE THIS PERIOD		30. HIGHEST EDUCATION LEVEL - SUCCESSFULLY COMPLETED (In Years) SECONDARY/HIGH SCHOOL 12 YEARS COLLEGE YES			
31. INDOCHINA OR KOREA SERVICE SINCE AUGUST 6, 1964 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		32. TIME LOST (Preceding Two Yrs.)		33. DAYS ACCRUED LEAVE PAID		34. SERVICE MEMBER'S GROUP LIFE INSURANCE COVERAGE <input type="checkbox"/> \$15,000 <input type="checkbox"/> \$5,000 X \$20,000 <input type="checkbox"/> \$10,000 <input type="checkbox"/> NONE		35. DISABILITY SEVERANCE PAY <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES AMOUNT	
36. PERSONNEL SECURITY INVESTIGATION TYPE BI		37. DATE COMPLETED 750513							
38. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED SHARPSHOOTER M15 NATIONAL DEFENSE SERVICE MEDAL									
39. REMARKS INDIVIDUAL REQUESTS A COPY OF THE DD FORM 214 <i>R. &amp; A.</i> ITEM 13F USAREUR-GERMANY ITEM 16A EM HAS NO 77 MOS EXT OF SVC WAS AT THE REQ & FOR THE CONV OF THE GOVT *11 USAREUR									
40. MAILING ADDRESS AFTER SEPARATION (Street, RFD, City, County, State and ZIP Code) 6518 ROSMORTH CHICAGO(COOK) IL 60626					41. SIGNATURE OF PERSON BEING SEPARATED <i>Rodrigo E. Alvear</i>				
42. PRINT NAME, GRADE AND TITLE OF AUTHORIZING OFFICER CHIEF ENLISTED BRANCH					43. SIGNATURE OF OFFICER AUTHORIZED TO SIGN				

DD FORM 214  
1 NOV 72PREVIOUS EDITIONS OF THIS  
FORM ARE OBSOLETE.THIS IS AN IMPORTANT RECORD  
SAFEGUARD IT.

REPORT OF SEPARATION

EXHIBIT

J



**VETERANS ADMINISTRATION**

REGIONAL OFFICE

536 SOUTH CLARK STREET

P. O. BOX 8136

CHICAGO, ILLINOIS 60680

Date: May 17, 1979

In Reply  
Refer to:

328/27b/227

C 344 50 5421

Rodrigo E. Alvear  
2025 W. Farragut  
Chicago, Illinois 60625

The following certificate is furnished for your use in establishing Civil Service preference.

This is to certify that the records of the Veterans Administration disclose that  
Rodrigo E. Alvear is in receipt of disability compensation on account of service  
connected disability. This payment is made in accordance with public laws administered by  
the Veterans Administration. The records of the Veterans Administration show that the  
veteran was discharged under honorable conditions.

Disability is rated as being less than 30% disabling.

  
J.J. APODACA  
Veterans Service Officer

FL 21-802  
FEB 1971(R)

Show veteran's full name, VA file number, and social security number on all correspondence.

EXHIBIT

K

U.S. Department of Justice  
Immigration and Naturalization Service

OMB No. 1515-0009

**Application for Naturalization**

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black or blue ink.

**Part 1. Your Name (The Person Applying for Naturalization)**

Write your INS "A"- number here:

A 1 4 4 6 6 0 3 9

**A. Your current legal name.**

Family Name (Last Name)

ALVEAR

Given Name (First Name)

RODRIGO

Full Middle Name (If applicable)

EDUARDO

**FOR INS USE ONLY**

Bar Code

Date Stamp

Remarks

Action

**B. Your name exactly as it appears on your Permanent Resident Card.**

Family Name (Last Name)

ALVEAR-BAENA

Given Name (First Name)

RODRIGO

Full Middle Name (If applicable)

EDUARDO

**C. If you have ever used other names, provide them below.**

Family Name (Last Name)

Given Name (First Name)

Middle Name

N/A

**D. Name change (optional)**

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☒ No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

**Part 2. Information About Your Eligibility (Check Only One)**

I am at least 18 years old AND

A. ☒ I have been a Lawful Permanent Resident of the United States for at least 5 years.B. ☐ I have been a Lawful Permanent Resident of the United States for at least 3 years, AND  
I have been married to and living with the same U.S. citizen for the last 3 years, AND  
my spouse has been a U.S. citizen for the last 3 years.C. ☒ I am applying on the basis of qualifying military service.D. ☐ Other (Please explain) \_\_\_\_\_

COPY

EXHIBIT

L

**Part 3. Information About You**

Write your INS "A"- number here:

A 1 4 4 6 6 0 3 9

A. Social Security Number

3 4 4 - 5 0 - 5 4 2 1

B. Date of Birth (Month/Day/Year)

0 9 / 1 8 / 1 9 5 5

C. Date You Became a Permanent Resident (Month/Day/Year)

0 5 / 1 1 / 1 9 6 5

D. Country of Birth

COLOMBIA

E. Country of Nationality

COLOMBIA

F. Are either of your parents U.S. citizens? (If yes, see Instructions)



Yes



No

G. What is your current marital status?



Single, Never Married



Married



Divorced



Widowed



Marriage Annulled or Other (Explain)

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching a Form N-648 with your application?



Yes



No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.)



Yes



No

If you answered "Yes", check the box below that applies:



I am deaf or hearing impaired and need a sign language interpreter who uses the following language:



I use a wheelchair.



I am blind or sight impaired.



I will need another type of accommodation. Please explain:

**Part 4. Addresses and Telephone Numbers**

A. Home Address - Street Number and Name (Do NOT write a P.O. Box in this space)

5620 N. WINTHROP

Apartment Number

2-F

City

CHICAGO

County

COOK

State

IL

ZIP Code

60660

Country

U S A

B. Care of

ACROSS THE BORDER

Mailing Address - Street Number and Name (If different from home address)

4554 N. BROADWAY

Apartment Number

227

City

CHICAGO

State

IL

ZIP Code

60640

Country

U S A

C. Daytime Phone Number (If any)

(773 ) 9896370

Evening Phone Number (If any)

(773 ) 8786874

E-mail Address (If any)

**Part 5. Information for Criminal Records Search**

Write your INS "A"- number here:

A 1 4 4 6 6 0 3 9

Note: The categories below are those required by the FBI. See Instructions for more information.

## A. Gender

☒ Male ☐ Female

## B. Height

5 Feet 10 Inches

## C. Weight

190 Pounds

## D. Are you Hispanic or Latino?

☒ Yes ☐ No

## E. Race (Select one or more.)

☒ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander

## F. Hair color

☒ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)

## G. Eye color

☒ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other**Part 6. Information About Your Residence and Employment**

## A. Where have you lived during the last 5 years? Begin with where you live now and then list every place you lived for the last 5 years. If you need more space, use a separate sheet of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates (Month/Year)	
	From	To
Current Home Address - Same as Part 4.A	<u>0</u> <u>4</u> / <u>2</u> <u>0</u> <u>0</u> <u>1</u>	Present
5656 N CENTRAL CHICAGO, IL 60660	<u>0</u> <u>8</u> / <u>1</u> <u>9</u> <u>9</u> <u>7</u>	<u>0</u> <u>4</u> / <u>2</u> <u>0</u> <u>0</u> <u>1</u>
5510 N. DAKIN CHICAGO, IL	<u>1</u> <u>1</u> / <u>1</u> <u>9</u> <u>9</u> <u>5</u>	<u>0</u> <u>8</u> / <u>1</u> <u>9</u> <u>9</u> <u>7</u>
	___ / ___	___ / ___
	___ / ___	___ / ___

## B. Where have you worked (or, if you were a student, what schools did you attend) during the last 5 years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last 5 years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address (Street, City and State)	Dates (Month/Year)		Your Occupation
		From	To	
US POSTAL SERVICE	514 EXPRESS CENTER DR. CHICAGO, IL 60688	<u>0</u> <u>3</u> / <u>1</u> <u>9</u> <u>8</u> <u>0</u>	<u>Present</u>	MAIL HANDLER
		___ / ___	___ / ___	
		___ / ___	___ / ___	
		___ / ___	___ / ___	
		___ / ___	___ / ___	

**Part 7. Time Outside the United States***(Including Trips to Canada, Mexico, and the Caribbean Islands)*

Write your INS "A" - number here:

A 1 4 4 6 6 0 3 9

- A. How many total days did you spend outside of the United States during the past 5 years? 0 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past 5 years? 0 trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet of paper.

Date You Left the United States (Month/Day/Year)	Date You Returned to the United States (Month/Day/Year)	Did Trip Last 6 Months or More?		Countries to Which You Traveled	Total Days Out of the United States
0 6 / / 1 9 7 2	0 8 / / 1 9 7 2	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	COLOMBIA (VACATION)	60
0 4 / / 1 9 7 6	1 2 / / 1 9 7 7	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	W.GERMANY (ACTIVE ARMY DUTY)	605
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
/ /	/ /	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

**Part 8. Information About Your Marital History**

- A. How many times have you been married (including annulled marriages)? 1 If you have NEVER been married, go to Part 9.
- B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

2. Date of Birth (Month/Day/Year)

3. Date of Marriage (Month/Day/Year)

4. Spouse's Social Security Number

5. Home Address - Street Number and Name

Apartment Number

City

State

ZIP Code



**Part 8. Information About Your Marital History (Continued)**

Write your INS "A"- number here:

A 1 4 4 6 6 0 3 9

C. Is your spouse a U.S. citizen?



Yes



No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?



At Birth



Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

\_\_\_\_/\_\_\_\_/\_\_\_\_

3. Place your spouse became a U.S. citizen (Please see Instructions)

\_\_\_\_\_  
City and State

E. If your spouse is NOT a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

\_\_\_\_\_  
City and State

2. Spouse's INS "A"- Number (If applicable)

A \_\_\_\_\_

3. Spouse's Immigration Status



Lawful Permanent Resident



Other

\_\_\_\_\_  
City and State

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

\_\_\_\_\_  
City and State

Given Name (First Name)

\_\_\_\_\_  
City and State

Full Middle Name (If applicable)

\_\_\_\_\_  
City and State

2. Prior Spouse's Immigration Status

☒ U.S. Citizen  
☐ Lawful Permanent Resident  
☐ Other \_\_\_\_\_

3. Date of Marriage (Month/Day/Year)

0 6 / 2 6 / 1 9 8 0

4. Date Marriage Ended (Month/Day/Year)

1 2 / \_\_\_\_ / 1 9 8 2

5. How Marriage Ended

☒ Divorce    ☐ Spouse Died    ☐ Other \_\_\_\_\_

G. How many times has your current spouse been married (including annulled marriages)?

If your spouse has EVER been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name)

\_\_\_\_\_  
City and State

Given Name (First Name)

\_\_\_\_\_  
City and State

Full Middle Name (If applicable)

\_\_\_\_\_  
City and State

2. Prior Spouse's Immigration Status

☐ U.S. Citizen  
☐ Lawful Permanent Resident  
☐ Other \_\_\_\_\_

3. Date of Marriage (Month/Day/Year)

\_\_\_\_/\_\_\_\_/\_\_\_\_

4. Date Marriage Ended (Month/Day/Year)

\_\_\_\_/\_\_\_\_/\_\_\_\_

5. How Marriage Ended

☐ Divorce    ☐ Spouse Died    ☐ Other \_\_\_\_\_

**Part 9. Information About Your Children**

Write your INS "A"- number here:

A 1 4 4 6 6 0 3 9

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

3

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper.

Full Name of Son or Daughter	Date of Birth (Month/Day/Year)	INS "A"- number (if child has one)	Country of Birth	Current Address (Street, City, State & Country)
JESSICA L. ALVEAR	0 8 / 2 7 / 1 9 7 9	A N / A	U.S.A.	P.O. BOX 532692 GRANDPRAIRIA, TX 75053-2692
RODRIGO A. ALVEAR	0 8 / 1 0 / 1 9 8 1	A N / A	U.S.A.	P.O. BOX 532692 GRANDPRAIRIA, TX 75053-2692
DAVID ALVEAR	0 9 / 0 3 / 1 9 8 2	A N / A	U.S.A.	P.O. BOX 532692 GRANDPRAIRIA, TX 75053-2692
	/ /	A		
	/ /	A		
	/ /	A		
	/ /	A		
	/ /	A		

**Part 10. Additional Questions**

Please answer questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes," and (2) provide any additional information that helps to explain your answer.

**A. General Questions**

- Have you **EVER** claimed to be a U.S. citizen (in writing or any other way)?
- Have you **EVER** registered to vote in any Federal, state, or local election in the United States?
- Have you **EVER** voted in any Federal, state, or local election in the United States?
- Since becoming a Lawful Permanent Resident, have you **EVER** failed to file a required Federal, state, or local tax return?
- Do you owe any Federal, state, or local taxes that are overdue?
- Do you have any title of nobility in any foreign country?
- Have you ever been declared legally incompetent or been confined to a mental institution within the last 5 years?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Part 10. Additional Questions (Continued)**

Write your INS "A" - number here:

A 1 4 4 6 6 0 3 9

**B. Affiliations**

8. a. Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place? ☐ Yes ☒ No
- b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you **EVER** been a member of or in any way associated (*either directly or indirectly*) with:
- a. The Communist Party? ☐ Yes ☒ No
- b. Any other totalitarian party? ☐ Yes ☒ No
- c. A terrorist organization? ☐ Yes ☒ No
10. Have you **EVER** advocated (*either directly or indirectly*) the overthrow of any government by force or violence? ☐ Yes ☒ No
11. Have you **EVER** persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☒ No
12. Between March 23, 1933, and May 8, 1945, did you work for or associate in any way (*either directly or indirectly*) with:
- a. The Nazi government of Germany? ☐ Yes ☒ No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☒ No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp? ☐ Yes ☒ No

**C. Continuous Residence**

Since becoming a Lawful Permanent Resident of the United States:

13. Have you **EVER** called yourself a "nonresident" on a Federal, state, or local tax return? ☐ Yes ☒ No
14. Have you **EVER** failed to file a Federal, state, or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☒ No

**Part 10. Additional Questions (Continued)**

Write your INS "A" - number here:

A 1 4 4 6 6 0 3 9**D. Good Moral Character**

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

15. Have you **EVER** committed a crime or offense for which you were NOT arrested? ☐ Yes ☒ No
16. Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason? ☒ Yes ☐ No
17. Have you **EVER** been charged with committing any crime or offense? ☒ Yes ☐ No
18. Have you **EVER** been convicted of a crime or offense? ☒ Yes ☐ No
19. Have you **EVER** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No
20. Have you **EVER** received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
21. Have you **EVER** been in jail or prison? ☐ Yes ☒ No

If you answered "Yes" to any of questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date arrested, cited, detained, or charged (Month/Day/Year)	Where were you arrested, cited, detained or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention or charge (No charges filed, charges dismissed, jail, probation, etc.)
RESISTING ARREST / BATTERY	06/01/1995	CHICAGO, IL USA	GUILTY/ COMMUNITY SERVICE
USE OF COCAINE/ MISDEMEAN	09/14/1984	SAGINAW, MISHIGAN USA	GULTY/ \$1000.00 FINE
RESISTING ARREST / BATTERY	1974	WAUTOMA, WI USA	DISMISSED

Answer questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes," and (2) any additional information or documentation that helps explain your answer.

22. Have you **EVER**:
- a. been a habitual drunkard? ☐ Yes ☒ No
  - b. been a prostitute, or procured anyone for prostitution? ☐ Yes ☒ No
  - c. sold or smuggled controlled substances, illegal drugs or narcotics? ☐ Yes ☒ No
  - d. been married to more than one person at the same time? ☐ Yes ☒ No
  - e. helped anyone enter or try to enter the United States illegally? ☐ Yes ☒ No
  - f. gambled illegally or received income from illegal gambling? ☐ Yes ☒ No
  - g. failed to support your dependents or to pay alimony? ☐ Yes ☒ No
23. Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal? ☐ Yes ☒ No
24. Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States? ☐ Yes ☒ No

**Part 10. Additional Questions (Continued)**

Write your INS "A" number here:

A 1 4 4 6 6 0 3 9**E. Removal, Exclusion, and Deportation Proceedings**

25. Are removal, exclusion, rescission or deportation proceedings pending against you? ☐ Yes ☒ No
26. Have you EVER been removed, excluded, or deported from the United States? ☐ Yes ☒ No
27. Have you EVER been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
28. Have you EVER applied for any kind of relief from removal, exclusion, or deportation? ☐ Yes ☒ No

**F. Military Service**

29. Have you EVER served in the U.S. Armed Forces? ☒ Yes ☐ No
30. Have you EVER left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
31. Have you EVER applied for any kind of exemption from military service in the U.S. Armed Forces? ☐ Yes ☒ No
32. Have you EVER deserted from the U.S. Armed Forces? ☐ Yes ☒ No

**G. Selective Service Registration**

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☒ Yes ☐ No

If you answered "NO", go on to question 34.

If you answered "YES", provide the information below.

If you answered "YES", but you did NOT register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (Month/Day/Year)

Selective Service Number

If you answered "YES", but you did NOT register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

**H. Oath Requirements (See Part 14 for the text of the oath)**

Answer questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☒ Yes ☐ No
35. Do you understand the full Oath of Allegiance to the United States? ☒ Yes ☐ No
36. Are you willing to take the full Oath of Allegiance to the United States? ☒ Yes ☐ No
37. If the law requires it, are you willing to bear arms on behalf of the United States? ☒ Yes ☐ No
38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☒ Yes ☐ No
39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

**Part 11. Your Signature**

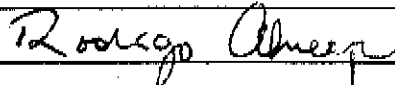
Write your INS "A" - number here:

A 1 4 4 6 6 0 3 9

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information which INS needs to determine my eligibility for naturalization.

Your Signature

Date (Month/Day/Year)



0 4 / 0 7 / 2 0 0 3

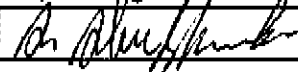
**Part 12. Signature of Person Who Prepared This Application for You (If applicable)**

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Preparer's Printed Name

Preparer's Signature

A. ABUSHANAB



Date (Month/Day/Year)

Preparer's Firm or Organization Name (If applicable)

Preparer's Daytime Phone Number

0 4 / 0 7 / 2 0 0 3

ACROSS THE BORDER

(773) 9896370

Preparer's Address - Street Number and Name

City

State

ZIP Code

4554 N. BROADWAY SUITE 227

CHICAGO

IL

60640

**Do Not Complete Parts 13 and 14 Until an INS Officer Instructs You To Do So****Part 13. Signature at Interview**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through \_\_\_\_\_ and the evidence submitted by me numbered pages 1 through \_\_\_\_\_, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

Officer's Printed Name or Stamp

Date (Month/Day/Year)

Complete Signature of Applicant

Officer's Signature



**Part 14. Oath of Allegiance**

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following oath of allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;

that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;

that I will bear true faith and allegiance to the same;

that I will bear arms on behalf of the United States when required by the law;

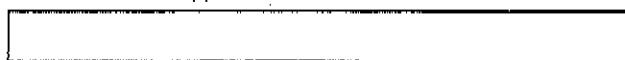
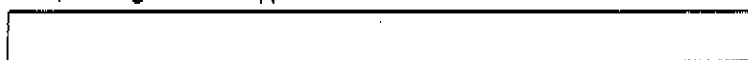
that I will perform noncombatant service in the Armed Forces of the United States when required by the law;

that I will perform work of national importance under civilian direction when required by the law; and

that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nebraska Service Center  
P.O. Box 87400  
Lincoln, NE 68501-7400

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

1028

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

B. Addressee's Printed Name

APR 10 2008 - 8 00 AM 377

C. Date

D. Is delivery address different from item 1?

If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for M  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

**YOUR CURRENCY  
EXCHANGE****CUSTOMER RECEIPT**

Wilson-Broadway Currency Exchange, Inc.

4559 N. Broadway • Chicago, Illinois 60640

Phone 773-561-0028

PROF. Rodrigo Alvarez

PAY TO:

BCIS

Three Hundred Ten And 0/100 U.S. Dollars

Not Valid Over \$320 • Fee \$0.75 #467587 CR

OVER \$750.00 MUST BE COUNTERSIGNED

CORPUS BANK  
CHICAGO, ILLINOIS

N-400

A# 14466039

STATE  
REGULATED

#467507# 10719262521 10083910

**UNITED STATES OF AMERICA****Receipt with Exception****CASE TYPE****N400 Application For Naturalization****NOTICE DATE****April 29, 2003****APPLICATION NUMBER****LIN\*000546709****RECEIVED DATE****April 10, 2003****PRIORITY DATE****April 10, 2003****INS A#****A 014 466 039****PAGE****1 of 1****APPLICANT NAME AND MAILING ADDRESS****RODRIGO EDUARDO ALVEAR  
c/o ACROSS THE BORDER  
# 227  
4554 N BROADWAY  
CHICAGO IL 60640****PAYMENT INFORMATION:****Single Application Fee: \$310.00  
Total Amount Received: \$310.00  
Total Balance Due: \$0.00****|||||**

The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth: September 18, 1955  
Address Where You Live: 5620 N WINTHROP # 2F  
CHICAGO IL 60660

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

**IMPORTANT NOTICE:**

- All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.
- If you are in Active Military Service and stationed overseas, you may appear at the nearest AMEMB/CONSUL for (FD-258) fingerprinting.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

**INS Office Address:****US IMMIGRATION AND NATURALIZATION SERVICE  
PO BOX 87400  
LINCOLN NE 68501-****INS Customer Service Number:  
(402) 323-7830****APPLICANT COPY****LIN\$000507576****EXHIBIT****M**





U.S. Department of Justice  
Immigration and Naturalization Service

Nebraska Service Center  
PO BOX 87426  
LINCOLN NE 68501-7426

DATE: 10/15/03  
REQUEST FOR INFORMATION:  
MILITARY N400  
A# 14466039  
LIN# 000546709

Roberto Alvarez  
CHICAGO IL 60640  
#227

Dear Applicant:

This office has received your Form N-400, Application for Naturalization that you filed on APR 10 2003. However, we are unable to fully process your application because of the reason(s)

1. A review of your N400 application indicates that you are filing the application from outside of the United States. In order to process your application, we need a US address (city/state). The US address should be the address where mail will reach you. In the space provided below, please indicate the address where you can be reached by mail and a U.S. phone number:

U.S. Phone Number:

2. A review of your N400 application indicates that you are filing the application from outside of the United States. In order to process your application, we need to specify the US INS office where you would like your interview. In the space provided below, please specify an INS office inside of the United States where you want to be interviewed (if no INS office exists in the city you indicate, your interview will be conducted at the nearest INS office to the city you indicate):

Application indicates that you are filing for naturalization based on military service. In order to process your application based on your military service, you

Form N-256, Request for Certification of Military or Naval Service

Part of the form must be completed and returned.

Biographic Information Sheet (a yellow form).

Form must be completed.

Application indicates that you are filing your application from outside of the United States. A 50-258 fingerprint card was received with your N-400.

(See other side)

EXHIBIT

N

Form Approved  
OMB No. 43-40285UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

DATE OF REQUEST

ALIEN REGISTRATION

NO. A14466039**REQUEST FOR  
CERTIFICATION OF MILITARY OR NAVAL SERVICE**

(SUBMIT IN TRIPLICATE)

For use in connection with my petition for naturalization, please complete the certification of military service on the reverse and furnish it to the office of the Immigration and Naturalization Service shown in the address block below. The information shown below is furnished to help locate and identify my military records. APPLICANT: FURNISH AS MUCH INFORMATION AS POSSIBLE. IF YOU WERE ISSUED A REPORT OF SEPARATION, DD FORM 214, ATTACH A COPY. FILL IN THE BLANKS ON THIS PAGE ONLY. PLEASE TYPE OR PRINT CLEARLY. PRESS FIRMLY—ALL COPIES MUST BE LEGIBLE. (DO NOT USE PENCIL)

NAME USED DURING ACTIVE SERVICE (Last, first, middle)	SOCIAL SECURITY NO.	DATE OF BIRTH	PLACE OF BIRTH
ALVEAR, Rodrigo Eduardo	344-50-5421	09/18/1955	Colombia

For an effective records search, it is important that ALL periods of service be shown below. (Use blank sheet if more space is needed.)

**ACTIVE SERVICE:**

BRANCH OF SERVICE (Show also last organization if known.)	DATE ENTERED ON ACTIVE DUTY	DATE RELEASED FROM ACTIVE DUTY	CHECK WHICH		SERVICE NUMBER DURING THIS PERIOD
			OFFICER	ENLISTED	
U.S. Army	10-31-1974	10-9-1980		X	344505421

**RESERVE OR NATIONAL GUARD SERVICE:** ☒ If none, check ☐ None

BRANCH OF SERVICE	CHECK WHICH		DATE MEMBERSHIP BEGAN	DATE MEMBERSHIP ENDED	CHECK WHICH		SERVICE NUMBER DURING THIS PERIOD
	RESERVE	N. GUARD			OFFICER	ENLISTED	
U.S. Army							

ARE YOU A MILITARY RETIREE OR FLEET RESERVIST? ☐ No ☐ Yes

SIGNATURE (Present Name)

PRESENT ADDRESS (Number, Street, City, State, and ZIP Code)

**INSTRUCTIONS TO CERTIFYING OFFICER**

Persons who are serving or have served honorably under specified conditions in the armed forces of the United States, inclusive of the reserve components of the armed forces of the United States, are granted certain exemptions from the general requirements for naturalization. The law requires such service to be established by a duly authenticated copy of the records of the executive department having custody of the record of service, showing whether the serviceman served honorably in an active-duty status, a reserve-duty status, or both, and whether each separation from the service was under honorable conditions. For that purpose, the certified statement on the reverse of this form, executed under the seal of your department, is required and should cover not only the period(s) of service shown above, but any other periods of service (active, reserve, or both) rendered by the serviceman.

The reverse of this form should be completed, or the information called for furnished by separate letter, and the form and letter returned to the office of the Immigration and Naturalization Service at the address in the box immediately below.

Immigration and Naturalization Service

RETURN TO

Please type  
or print  
complete  
return  
address.  
Include  
ZIP code.

EXHIBIT

0

APPLICANT: DO NOT FILL OUT THIS PAGE

## CERTIFICATION OF MILITARY OR NAVAL SERVICE

☐ Name correctly shown on front of form.☐ Name as shown in records: \_\_\_\_\_

## ACTIVE SERVICE

1. ENTERED SERVICE AT	2. ON	3. SERVED TO	4. BRANCH OF SERVICE	5. STATE WHETHER SERVING HONORABLY. IF SEPARATED. STATE WHETHER UNDER HONOR- ABLE CONDITIONS. IF OTHER THAN HONOR- ABLE. GIVE FULL DETAILS. ALWAYS COM- PLETE ITEM 11.

## RESERVE OR NATIONAL GUARD SERVICE

6. BRANCH OF SERVICE	7. CHECK WHICH		8. BEGAN	9. ENDED	10. STATE WHETHER SERVING HONORABLY. IF SEPARATED. STATE WHETHER UNDER HONOR- ABLE CONDITIONS. IF OTHER THAN HONOR- ABLE. GIVE FULL DETAILS. ALWAYS COM- PLETE ITEM 11.
	RESERVE	N. GUARD			

## 11. STATEMENT REGARDING ALIENAGE. (Complete this item on ALL cases.)

☐ Record shows this person WAS NOT discharged on account of alienage.☐ Record shows this person WAS discharged on account of alienage. Details: \_\_\_\_\_

## 12. REMARKS. Use for continuation of any of above items. You should also show in the space below any DEROGATORY INFORMATION in your records relating to the serviceman's character, loyalty to the United States, disciplinary actions, convictions or other matters touching on his fitness for citizenship.

Complete this block if subject is a "Lodge Act enlistee" -C4 Stat. 316 (Army). Subsequent to enlistment under the Lodge Act on \_\_\_\_\_, subject entered \_\_\_\_\_

(the United States, American Samoa, Swains Island, or

the Canal Zone) \_\_\_\_\_ at the port of \_\_\_\_\_

pursuant to Military orders on \_\_\_\_\_ via \_\_\_\_\_

I CERTIFY that the information here given concerning the service of the person named on the face of this form is correct according to the records of the \_\_\_\_\_

(Name of department or organization)

[SEAL]

(Official signature) \_\_\_\_\_

Date \_\_\_\_\_, 19 \_\_\_\_\_

By \_\_\_\_\_

U.S. Department of Justice  
Immigration and Naturalization Service

Naturalization Interview Results

APR 01 2004

A#: 14466039

On \_\_\_\_\_, you were interviewed by INS officer JOE WILSON.

- ☒ You passed the tests of English and U.S. history and government.
- ☒ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to \_\_\_\_\_ speak / \_\_\_\_\_ read / \_\_\_\_\_ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on the Form N-14.
- ☒ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your \_\_\_\_\_ English ability / \_\_\_\_\_ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A) \_\_\_\_\_ Congratulations! Your application has been recommended for approval. At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) \_\_\_\_\_ A decision cannot yet be made about your application.

**It is very important that you:**

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

N-652 (Rev. 12/7/99) Y



U.S. Department of Homeland Security  
10 W. Jackson Blvd.  
Chicago, IL 60604



U.S. Citizenship  
and Immigration  
Services

CHI 70/48.2-C

August 19, 2004

RODRIGO E. ALVEAR  
5620 N. WINTHROP APT. 2-F  
CHICAGO, IL 60660

Re: A014 466 039 - ALVEAR, RODRIGO

Dear RODRIGO ALVEAR,

Thank you for your recent inquiry. All efforts will be made to respond to your inquiry within 90 days of receipt. Depending on the complexity of your inquiry, additional time may be required to obtain the information requested.

Sincerely,

Michael M. Comfort  
District Director

MMC:lme  
Correspondence Tracking Number: CHI081904 45  
Thank you for contacting USCIS Customer Service



2007 RANKIN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-0000

DISTRICT OFFICES  
200 WEST NORTH AVENUE  
CHICAGO, IL 60647  
(773) 364-4000

1211 WEST 18TH STREET  
CHICAGO, ILLINOIS  
(312) 464-7000

Congress of the United States  
House of Representatives  
Washington, DC 20515-1304

COMMITTEES  
FINANCIAL SERVICES  
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OVERSIGHT AND INVESTIGATIONS  
RANKING MEMBER  
FINANCIAL INSTITUTIONS AND  
CONSUMER CREDIT  
INTERNATIONAL MONETARY POLICY,  
TRADE AND TECHNOLOGY  
VETERANS' AFFAIRS  
SUBCOMMITTEE  
HEALTH

September 8, 2004

Mr. Rodrigo Alvear  
5620 N. Winthrop Avenue  
Chicago, IL 60660

Dear Mr. Alvear:

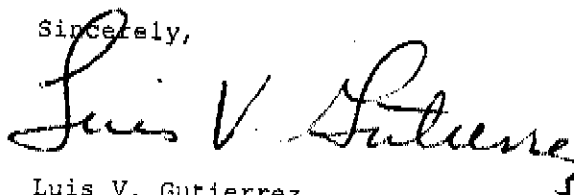
I have received your authorization case sheet detailing your concerns regarding the status of your naturalization petition.

For your information, I am enclosing a copy of my letter of inquiry to Michael Comfort, District Director of the U.S. Citizenship and Immigration Services (CIS) in Chicago. When I receive a response from the CIS, you will be promptly notified. If you do not receive a notification within two months, please contact me.

Please be assured that I will continue to assist you in this important matter and keep you informed of the status of your application.

Please do not hesitate to call on me whenever you believe I can be of service.

Sincerely,



Luis V. Gutierrez  
Member of Congress

LVG:dd  
Enclosure



U.S. GOVERNMENT  
PRINTING OFFICE  
WASHINGTON, D.C.  
20540-0001

Congress of the United States  
House of Representatives  
Washington, DC 20515-1504

COMMITTEES  
FINANCIAL SERVICES  
COMMITTEE  
ON INVESTMENT AND INVESTIGATIONS  
RANKING MEMBER  
FINANCIAL INSTITUTIONS AND  
CONSUMER CREDIT  
INTERNATIONAL MONETARY FUND  
TRADE AND TECHNOLOGY  
VETERANS AFFAIRS

September 8, 2004

Mr. Michael Comfort  
District Director  
U.S. Citizenship and Immigration Services  
10 West Jackson Boulevard  
Suite 600  
Chicago, IL 60604

Dear Mr. Comfort:

I am contacting you on behalf of my constituent, Mr. Rodrigo Alvear,  
A# 014.466.039.

Enclosed for your review is a completed authorization case sheet  
detailing Mr. Alvear's concerns regarding the status of his naturalization  
petition.

As you will note, Mr. Alvear passed his preliminary examination and interview  
during April, 2004. However, as of this date, he has not been scheduled for his  
oath ceremony. Therefore, I would be grateful if you would review this  
matter and please inform me when Mr. Alvear will be scheduled for his  
naturalization ceremony. **See all attachments**

Thank you for your prompt attention to this important matter. I look forward to  
receiving your response at my Chicago office, located at 3455 W. North Avenue,  
Chicago, Illinois 60647.

Sincerely,

*Felix V. Gutierrez*

Felix V. Gutierrez  
Member of Congress

LVB:dd  
Enclosure

LUIS V. GUTIERREZ  
MEMBER OF CONGRESS  
DISTRICT OF COLUMBIA  
1000 PENNSYLVANIA AVENUE, N.E.  
WASHINGTON, D.C. 20545  
(202) 225-4000

DISTRICT OFFICES  
1400 WEST NORTH AVENUE  
CHICAGO, IL 60642  
(773) 286-4000

1000 PENNSYLVANIA AVENUE  
WASHINGTON, D.C. 20545  
(202) 225-4000

Congress of the United States  
House of Representatives  
Washington, DC 20515-1504

COMMITTEES:  
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BANKING MEMBER  
FINANCIAL INSTITUTIONS AND  
CREDIT MEMBER  
INTERNATIONAL MONETARY FUND  
TECHNOLOGY  
VETERANS AFFAIRS  
SUBCOMMITTEE  
HEALTH

September 30, 2004

Mr. Rodrigo Alvear  
5620 N. Winthrop Avenue  
Chicago, IL 60660

Dear Mr. Alvear:

I am writing to inform you that I have received a response regarding your naturalization petition from the U.S. Citizenship and Immigration Services (CIS).

As you will note from the enclosed response, the CIS states that your case is being held pending name check completion. You should receive official notification from the CIS within 90 days. If you do not receive this notification, please contact my office.

I am very pleased that I was able to assist you in this important matter. As always, please feel free to call on me whenever you believe I can be of assistance.

Sincerely,

*Luis V. Gutierrez*

Luis V. Gutierrez  
Member of Congress

LVG:dd  
Enclosure





U.S. Department of Homeland Security  
10 W. Jackson Blvd.  
Chicago, IL 60604



U.S. Citizenship  
and Immigration  
Services

CHI 70/48.2-C

September 27, 2004

The Honorable Luis V. Gutierrez  
United States Representative  
3455 W. North Avenue  
Chicago, IL 60647

Attention: Damaris Devora

Re: A014 466 039 - ALVEAR, RODRIGO

Dear Congressman Gutierrez,

Service records indicate that the applicant's case is being held pending name check completion. An interview or final decision cannot be made on any application for naturalization or adjustment of status to permanent resident until national security checks are complete and the local USCIS office receives a response. National security checks are performed by federal agencies other than the United States Citizenship and Immigration Services (USCIS). Your local USCIS office has no control over the pace of completion of these required checks.

At any given time, there are many hundreds of this office's cases pending due to national security checks. A significant portion of these checks takes more than six months to complete. At the USCIS Chicago District Office, cases with pending security checks are queried every week to ensure that those whose checks have cleared are acted on in a timely manner.

USCIS thanks your constituent for their patience and understanding in this matter.

Sincerely,

Michael M. Comfort  
District Director

MMC:wac

Correspondence Tracking Number: CH1091704 45  
Thank you for contacting USCIS Customer Service

OFFICE OF THE CLERK  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20541

FOR A LARGER AND BETTER VIEW OF THIS DOCUMENT

WASHINGTON, D.C. 20541  
TEL: 205-41-1000

CONTACT OFFICES  
LEGISLATIVE COUNSEL  
TO THE CLERK  
205-41-1000

LEGISLATIVE COUNSEL  
TO THE CLERK  
205-41-1000

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1504**

COMMITTEES:

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Copyright and Investigations  
Barriers, Member

Financial Institutions and  
Consumer Credit

International Monetary Policy,  
Trade and Technology

VETERANS' AFFAIRS

Subcommittee  
Health

May 5, 2005

Mr. Rodrigo Alvear  
5620 N. Winthrop Avenue  
Chicago, IL 60660

Dear Mr. Alvear:

I am writing to inform you that I have received a response regarding your naturalization petition from the U.S. Citizenship and Immigration Services(CIS).

As you will note from the enclosed response, the CIS states that **your application for naturalization is currently being held pending a name check completion. The CIS further states that a decision cannot be made on any application until national security checks are complete and the local USCIS office receives a response.**

I am very pleased that I was able to assist you in this important matter. As always, please feel free to call on me whenever you believe I can be of assistance.

Sincerely,

*Luis V. Gutierrez*  
Luis V. Gutierrez  
Member of Congress

LVG:dd  
Enclosure

EXHIBIT

T

**Devora, Damaris**

**From:**

**Sent:** Tuesday, May 03, 2005 11:46 AM

**To:** Devora, Damaris

**Subject:** A14 466 039, RODRIGO ALVEAR

THIS IS A RESPONSE TO THE INQUIRY SUBMITTED TO THE USCIS ON MARCH 28, 2005. TRACKING NUMBER CHI040105 13.

A FOLLOW-UP INQUIRY, IF REQUIRED, SHOULD BE DIRECTED TO

U. S. Department of Homeland Security  
10 W. Jackson Blvd.  
Chicago, Illinois 60604

May 3, 2005

The Honorable Luis V. Gutierrez  
United States Representative

Attention: Damaris Devora

Re: A14 466 039 - ALVEAR, RODRIGO

Dear Congressman Gutierrez,

Service records indicate that the applicant's case is being held pending name check completion. An interview or final decision cannot be made on any application for naturalization or adjustment of status to permanent resident until national security checks are complete and the local USCIS office receives a response. National security checks are performed by federal agencies other than the United States Citizenship and Immigration Services (USCIS). Your local USCIS office has no control over the pace of the completion of these required checks.

At any given time, there are many hundreds of the this office's cases pending due to national security checks. A significant portion of these checks take more than six months to complete. At the USCIS Chicago District Office, cases with pending security checks are queried every week to ensure that those whose checks have cleared are acted on in a timely manner.

USCIS thanks your constituent for his patience and understanding in this matter.

Sincerely,

Michael M. Comfort  
District Director

MMC:wac

5/4/2005



U.S. Citizenship  
and Immigration  
Services

January 11, 2007

NRC2007003682

Claudia Valenzuela  
%National Immigrant Justice Center  
208 S. LaSalle Suite 1818  
Chicago, IL 60626

Dear Claudia Valenzuela:

We received your request for information relating to Alvear, Rodrigo E. on January 11, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2007003682. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

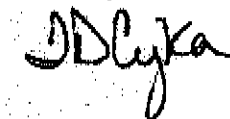
Based on the information you provided in your request, we conducted a search of our records locator index system. This initial search indicated that the requested record is lost or missing. As a result, we have asked the Records office to initiate a lost/missing file search. This process takes an unknown amount of time; therefore, we request your understanding and patience. Once the file is found, we will process and provide it to you. If the file cannot be found, we will notify you of our findings.



This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. **Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again.** For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA, PA related correspondence to (816) 650-5785. If you have questions concerning the status of a pending Application of petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Application of Petitions or any other type of immigration matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cejka", with a stylized flourish at the end.

T. Diane Cejka  
Director

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

DC000000Z

ICN ISIS0002000005156190

DC000000Z  
DO 556-73 REQ  
FBI-CJIS-WV  
MOD E-1  
1000 CUSTER HOLLOW RD  
CLARKSBURG, WV 26306



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

DC000000Z

ICN ISIS0002000005156190

THE FOLLOWING FBI IDENTIFICATION RECORD FOR 371988DA6 IS FURNISHED FOR  
OFFICIAL USE ONLY.

## DESCRIPTORS ON FILE ARE AS FOLLOWS:

NAME ALVEAR, RODRIGO EDUARDO

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	1955/09/18	510	175	BROWN	BLACK

BIRTH CITY	BIRTH PLACE
UNREPORTED	COLOMBIA

CITIZENSHIP  
COLOMBIA

## PATTERN CLASS

WU	LS	WU	WU	RS	WU	RS	LS	LS	LS
WU					WU				

OTHER BIRTH  
DATES

SCARS-MARKS-TATTOOS

SOCIAL  
SECURITY

MISC NUMBERS

NONE

NONE

344-50-5421 AR-A014466039  
344-50-5542

## ALIAS NAME(S)

ALVEAR, ROD

ALVEAR, RODRIGO EDUARDO

ALVEAR, RODRIGO E

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

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- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE  
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
ALVEAR, RODRIGO EDUARDO	371988DA6	2007/02/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	1955/09/18	510	175	BRO	BLK

BIRTH PLACE  
COLOMBIA

FINGERPRINT CLASS	PATTERN CLASS	CITIZENSHIP
PM 68 PO CO 12	WU LS WU WU RS WU RS LS LS LS	COLOMBIA
PI 68 17 17 13	WU WU	

1-ARRESTED OR RECEIVED 1984/09/14 SID- MI1334150K  
AGENCY-SPOL-CRIM INV DIV LANSING (MI3300700)  
AGENCY CASE-7-5125-84  
CHARGE 1-VIOL OF CONTROLLED SUBSTANCE ACT DEL COCAINE  
CHARGE 2-CONSPIRACY TO DELIVER COCAINE

COURT-

1985/05/03 DISPOSITION-  
CHARGE-USE OF COCAINE  
SENTENCE-  
PLEAD GUILTY 1000 FINE  
1985/05/03 DISPOSITION-  
CHARGE-DELIVERY OF COCAINE  
SENTENCE-  
NOLLE PROS  
1985/05/03 DISPOSITION-  
CHARGE-CONSPIRACY TO DELIVER COCAINE  
SENTENCE-  
NOLLE PROS

2-ARRESTED OR RECEIVED 1995/05/28 SID- IL35841730  
AGENCY-POLICE DEPARTMENT CHICAGO (ILCPD0000)  
NAME USED-ALVEAR, RODRIGO E  
CHARGE 1-RESIST/OBSTR/PEACE OFFICER AM  
CHARGE 2-BATTERY AM

END OF PART 1 - PART 2 TO FOLLOW



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION  
CLARKSBURG, WV 26306

DC000000Z  
PART 2

ICN ISIS0002000005156190

- FBI IDENTIFICATION RECORD - FBI NO-371988DA6

RECORD UPDATED 2007/02/01

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON  
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL  
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

Filed by the Michigan State Court Administrator for

Target Information Management, Inc.  
P.O. Box 22022 Lansing, MI 48902

Box #89 Closed

STATE OF MICHIGAN  
70th JUDICIAL DISTRICTFELONY  
REGISTER OF ACTIONSCASE NO.  
84-CR-4437 (F)THE STATE OF MICHIGAN  
V.

Case assigned to:

Judge BRUCE J. SCORSONE

Defendant Name and Address

RODRIGO EDUARDO ALVAREZ  
aka RUD  
6201 Fox Glen  
Saginaw, Michigan

Case No.

84-CR-4437 (F)

Offense charged and section no.

I-Del/Mfg. Contr'l.  
Sub., II-ConspiracySec. 333.7401, MSA  
28.354(1)Offense date  
9/7/84

Date of complaint

9/14/84

Police Agency

Bayanet

## BOND HISTORY

Date Set	Date Forfeited	Type	Amount	Notes
SEP 14 1984		C/S	\$500.00	
9/17/84		10%	\$500.00	8x100 W.E. Brown

9-7-85 - Bank Application - \$500.00  
Partial Payment - \$400.00  
Williams \$1,050.00☐ CL App.

SEP 14 1984

## DISTRICT COURT ARRANGEMENT

☒ Demand Exam☐ Waive Exam☐ Waive 12 Day Rule

Judge W.L. TAYLOR

9-25-84

EXAM

☐ Dismissed☒ Bound over to Circuit Court

Judge

Scorsone

5-3-85

AMENDED CHARGE &amp; SECTION NO.

Pledge - Use of Cocaine

5-3-85

DISPOSITION

\$1000 f.c. 500/495/500/90 day (BQ) Scorsone

DATE

CODE

ACTIONS, JUDGMENTS, CASE NOTES

Initials

9/14/84

Complaint

ce

9/14/84

Warrant issued and returned

ce

SEP 14 1984

Au. Summ. \$5000 C/S

u

9/14/84

Mittimus

ct

9/17/84

Affidavit and Complaint for Search Warrant Enclosed

ce

9-20-84

Cl. p.

KH

9-17-84

Set P.E. for Sept. 25, 1984 @ 9:00

JP

9-25-84

P.E. Held BOCC

JB

9-26-84

Open file to Court Clerk

Ed.

4-18-85

Order Remanded to District Court

Cj

5-3-85

pg Use of Cocaine - \$1,000.00 f.c. 90 days

CP

FELONY Register of Actions

Form No. DCY 280 Revised 8/81

TTP - 1 week to make arrangements TTP 7-20-85

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

-PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 95129834501

COPY

RODRIGO

ALEVEAR

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720 5/31-1

M

RESISTING ARREST

720 5/12-3

M

BATTERY

The following disposition(s) was/were rendered before the Honorable Judge(s):

06/01/95 BOND SET BY RULE OF COURT 07/19/95 3141

WILENS, EUGENE

07/19/95 STRICKEN OFF, LEAVE REINSTATE CALL

MCDONOUGH, MARTIN E.

08/16/95 SPECIAL ORDER

MOTION FILED

09/13/95 MOTION DEPT - CONTINUANCE - MD 10/17/95 3141

WILENS, EUGENE

10/17/95 CONTINUANCE BY AGREEMENT 11/28/95 3141

O'BRIEN, DANIEL J.

11/28/95 CONTINUANCE BY AGREEMENT 01/10/96

WILENS, EUGENE

01/10/96 MOTION DEPT - CONTINUANCE - MD 02/27/96 3141

WILENS, EUGENE

02/27/96 CONTINUANCE BY ORDER OF COURT 03/06/96 3141

JONES, DOROTHY F.

03/06/96 CONTINUANCE BY AGREEMENT 03/13/96 3141

JONES, DOROTHY F.

03/18/96 JURY DEMAND BY DEFENDANT 03/28/96 6146

03/28/96 CONTINUANCE BY AGREEMENT 05/08/96

O'MALLEY, WILLIAM P.

05/08/96 PG JW FINDING GUILTY C002

O'MALLEY, WILLIAM P.

05/08/96 SENTENCED TO COMMUNITY SERVICE C002

SWAP

1 DYS

O'MALLEY, WILLIAM P.

05/08/96 ORDER TO STAND - SOL

O'MALLEY, WILLIAM P.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 002

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 95129834501

RODRIGO

ALEVEAR

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

05/08/96 SUPERVISION - SOCIAL SERV DEPT C002 05/02/97 6146

1 YRS

O'MALLEY, WILLIAM P.

05/02/97 SUPERVISION TERM/DISCHARGED

O'MALLEY, WILLIAM P.

COPY

I hereby certify that the foregoing has been entered of record on the above captioned case.  
Date 11/25/02

  
DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

PLANT MANAGER  
J. T. WEEKER INTERNATIONAL SERVICE CENTER



June 29, 2007

Rodrigo E. Alvear  
Mail Handler  
P/L 551  
JTWeeker International Service Center  
Chicago IL 60688-9998

Dear Mr. Alvear:

It is my pleasure to present to you, with this letter, a Service Award pin in recognition of your 30 years of service.

This Service Award is one method that Postal Service Management uses to recognize and express gratitude to our employees who have chosen a career with the Postal Service.

The United States Postal Service has a long and respected tradition of serving the people of this nation. To further this tradition, we as postal employees must make greater efforts to serve our customers even more effectively than in the past. I know we can rely on you in this endeavor.

Please accept this Service Award pin with my sincere appreciation of your loyalty, dedication and contributions to the Postal Service for the past 30 years.

Sincerely,



Gerald J. Kubick  
Plant Manager

514 EXPRESS CENTER DRIVE  
CHICAGO IL 60688-9998  
7730949200  
Fax: 7738940005



## CERTIFICATE OF APPRECIATION

PRESENTED TO

*Rodrigo E.  
Alvear*

An official commendation and recognition of your  
contributions to the United States Postal Service.

***July 2007***

DATE

  
**Gerald J. Kubick**  
Plant Manager



# Harvest Christian Center

*"...Behold, I say unto you, Lift up your eyes, and look on the fields; for they are white already to harvest."  
John 4:35*

April 30, 2007


Re: Character Reference for Mr. Rodrigo Alvear

To Whom It May Concern,

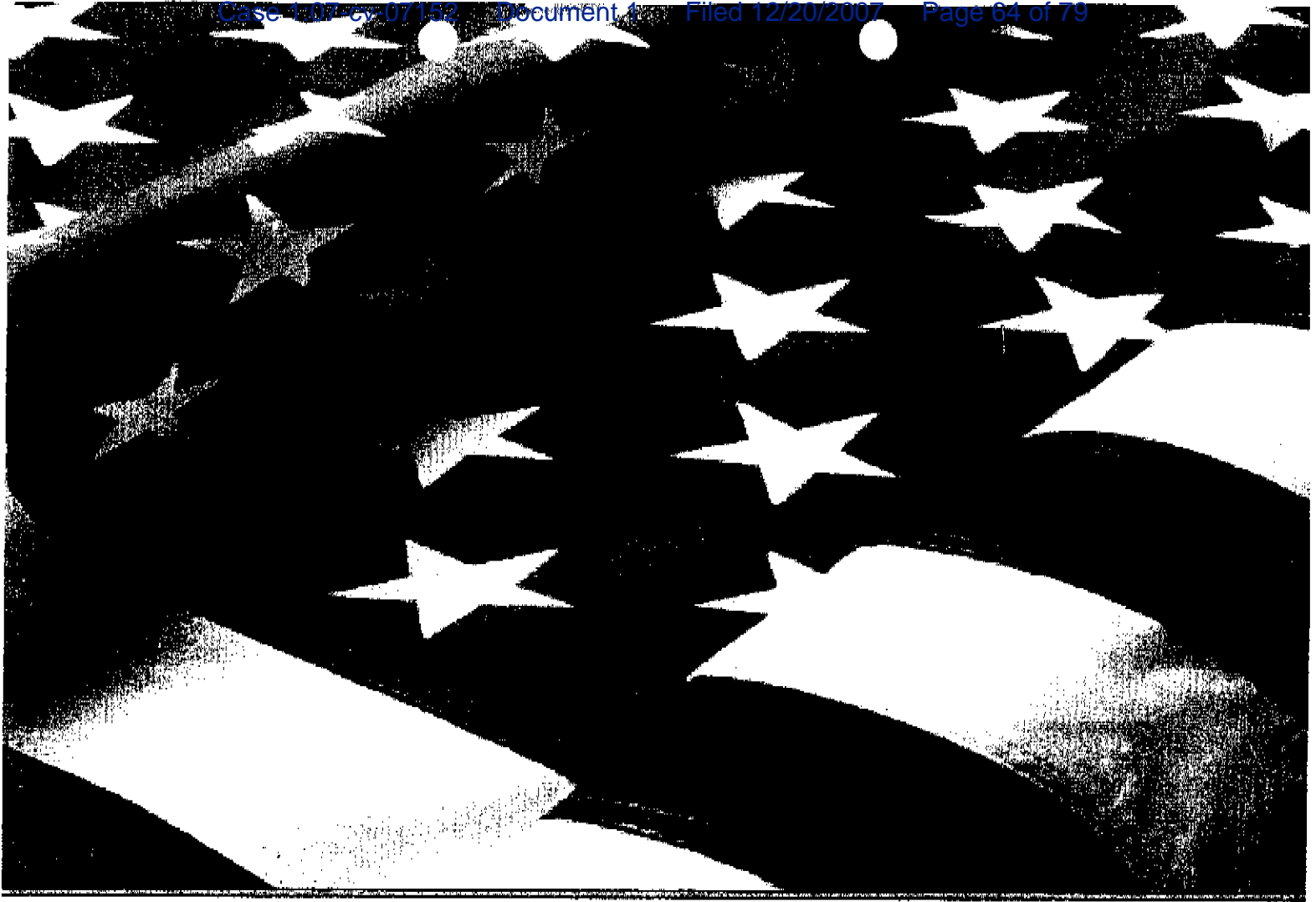
Rodrigo Alvear has been a faithful member of our church for 10 years. He volunteers in several areas, including teaching adult Sunday School, Men's Ministry, and cooking for various church activities. Rod truly has the heart of a servant and over the years has served me personally as my armor bearer. He is loved and respected by all. He is a great asset to the life of the church, and the community, serving outside the church as well.

If you have any further questions or concerns, please feel free to contact me at 773-878-7104. Thank you.

Sincerely,

  
Bishop Ray Llarona  
Senior Pastor





Citizenship and Immigration Services Ombudsman

# Annual Report 2007

**Submitted to:**

**United States Senate  
Committee on the Judiciary**

**United States House of Representatives  
Committee on the Judiciary**

**June 11, 2007**



**Homeland  
Security**





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were approved. This process would ensure that USCIS does not accept more applications than the number of visas available.

Another issue with priority dates and workloads is connected to the new fee rule. The Ombudsman anticipates that when the new fee rule goes into effect in July, delays in adjudication will significantly impact the agency if it does not track visa information, including visa classifications, priority dates, and country of chargeability. Without tallying cases receipted by visa category, USCIS inevitably will accept ineligible applications and more applications than it can process in the given timeframe. The agency will not collect fees for interim benefits issued for new green card applicants, as the new fee rule requires only one payment for both. In addition, there may be large numbers of retrogressed cases and, eventually, multiple issuances of interim benefits.

As described in the Ombudsman's 2006 Annual Report (at pp. 13-16), the Ombudsman continues to be concerned about USCIS' data integrity and failure to meet its obligation to maintain an accurate count of pending employment- and family-based preference applications. Although the focus is on employment-based visa applications, similar concerns exist for family-based preference cases. The continued collaboration of these agencies supports the Ombudsman's vision of cooperation to provide benefits in a timely and efficient manner.

#### **F. Name Checks and Other Security Checks**

FBI name checks, one of several security screening tools used by USCIS, continue to significantly delay adjudication of immigration benefits for many customers, hinder backlog reductions efforts, and may not achieve their intended national security objectives. FBI name checks may be the single biggest obstacle to the timely and efficient delivery of immigration benefits. The problem of long-pending FBI name check cases worsened during the reporting period.

##### **1. Background**

As of May 2007, USCIS reported a staggering 329,160 FBI name check cases pending, with approximately 64 percent (211,341) of those cases pending more than 90 days and approximately 32 percent (106,738) pending more than one year.<sup>40</sup> While the percentages of long-pending cases compared to last year are similar, the absolute numbers have increased. There are now 93,358 more cases pending the name check than last year. Perhaps most disturbing, there are 31,144 FBI name check cases pending more than 33 months as compared to 21,570 last year – over a 44 percent increase in the number of cases pending more than 33 months.<sup>41</sup>

<sup>40</sup> See USCIS FBI Pending Name Check Aging Report (May 4, 2007). It is important to note that USCIS does not include within its backlog cases pending due to FBI name checks. There are 155,592 FBI name check cases pending more than six months that otherwise may be part of USCIS' backlog. See section III.B for a discussion of USCIS backlogs.

<sup>41</sup> See *id.*

Figure 10: Pending FBI Name Checks

Age of Pending Response	Total Count (May 4, 2007)	Total Count (May 17, 2006)
< 3 months	117,819	82,636
3 - 6 months	55,749	33,450
6 - 9 months	28,029	20,047
9 - 12 months	20,825	16,845
12 - 15 months	14,133	15,064
15 - 18 months	13,931	10,636
18 - 21 months	11,035	8,144
21 - 24 months	12,398	8,325
24 - 27 months	11,765	9,754
27 - 30 months	6,600	4,435
30 - 33 months	5,732	4,896
> 33 months	31,144	21,570
<b>Total Pending</b>	<b>329,160</b>	<b>235,802</b>

During the reporting period, processing delays due to FBI name checks were an issue in approximately 25 percent of all written case problems received by the Ombudsman. Resolving the FBI name check issue is included in the Ombudsman's top five priorities posted on the office website.<sup>42</sup> Unlike FBI name checks, other types of background and security checks – e.g., fingerprint checks, the Interagency Border Inspection Systems name checks (IBIS), and the Automated Biometric Identification System (IDENT) checks – return results within a few days, if not a few minutes. These law enforcement and watch list checks do not significantly prolong USCIS processing times or contribute to the USCIS backlog.

As described in the Ombudsman's 2006 Annual Report (at p. 24), the FBI provides information to USCIS regarding anyone who is the principal subject of an investigation or is a person referenced in a file. USCIS adjudicators and the Fraud Detection and National Security (FDNS) unit use this information to determine if applicants are ineligible for benefits. The FBI provides the name check results at USCIS' request. Name checks are not conducted by the FBI as part of ongoing investigations or from a need to learn more about an individual because of any threat or risk perceived by the FBI. Instead, the name checks are a fee-for-service that the FBI provides to USCIS and according to USCIS-defined standards.

Once USCIS forwards records to the FBI for name checks, the process and the turnaround time for the checks are outside of USCIS' control. Completion of the name check process may take considerable time because manual reviews of FBI files are sometimes required. This review may include FBI reporting on fragments of names of people who are not necessarily central or directly related to an investigation or law enforcement matter. In discussions with the

<sup>42</sup> See section VI.F.



Ombudsman, the FBI has stated that it lacks the resources to perform the function in a timely manner.

## **2. Impact of Long-Pending FBI Name Checks on USCIS Customers**

The delay caused by the FBI name check has substantial consequences to applicants and their families, as well as to our country and the economy. Examples of how legitimate applicants suffer include:

- Loss of employment and employment opportunities where the position requires green card status or U.S. citizenship;
- Possible termination of employment due to the inability to comply with required Form I-9 employment verification procedures where USCIS delays interim EAD issuance;
- Difficulties obtaining drivers' licenses;
- Inability to qualify for certain federal grants and funds;
- Limitations on the ability to purchase property;
- Difficulties obtaining credit and student loans; and
- Disqualification from in-state tuition.

### **CASE PROBLEM**

*The applicant's green card application has been pending since early 2005 due to the FBI name check. The applicant is a valued researcher at a U.S. pharmaceutical company.*

### **CASE PROBLEM**

*The applicant's green card application has been pending with USCIS for approximately four years due to the FBI name check. The applicant is a researcher at a U.S. university and, because of the adjudication delay, the university and the individual have been disadvantaged in seeking grant proposals and funding. Specifically, the individual reports that he is currently working on federal research projects. The applicant's inability to advance critical work for the project is a serious impediment to the university, its competitiveness, and the applicant's professional advancement.*

**CASE PROBLEM**

*In fall 2003, an applicant filed a green card application, which remained pending due to FBI name checks until spring 2007. During the course of the adjudication, the applicant was fingerprinted and applied for interim benefits several times. Although the applicant applied for most of the interim benefits in a timely manner, the filing of the last EAD was not timely, and the applicant had to end his employment. In correspondence to the Ombudsman in the winter of 2007, the applicant related that he is a cancer patient who no longer has income necessary to pay for treatments.*

In February 2007, USCIS made public the criteria for expedited treatment of FBI name checks. While this change should help with specific cases, the *status quo* for FBI name check completion is unacceptable from the standpoint of national security and immigration benefits processing.

**3. Value of the FBI Name Checks**

The challenge for USCIS (and perhaps the challenge for DHS and the entire federal government) is to evaluate the value of maintaining the current FBI name check process relative to considerations of threat, vulnerability, and consequence. The Ombudsman agrees with the assessment of many case workers and supervisors at USCIS field offices and service centers that the FBI name check process has limited value to public safety or national security, especially because in almost every case the applicant is in the United States during the name check process, living or working without restriction.

The Ombudsman recommended in the 2006 Annual Report (at p. 25) that the FBI name check process be re-examined. Delays in the name check process actually prolong an individual's presence in the United States while the check is pending. In this sense, the current USCIS name check policy may increase the risk to national security by extending the time a potential criminal or terrorist remains in the country.

In its 2006 Annual Report Response (at p. 10), USCIS stated:

Although these security checks may require a more lengthy processing time, USCIS believes that performing them is essential to identifying national security and public safety concerns that would not have been uncovered by other means . . . in, a few cases, the information obtained from the FBI through this process has reflected very significant issues and risks. FBI name checks disclose information to USCIS that is otherwise not available. Information contained in 39 [percent] of the FBI positive responses (letterhead memoranda) received in FY 06 was not contained in IBIS/TECS, USCIS' primary background check tool. . . . [A]lthough a heavy price is paid in inquiries, mandamus actions, and other forms of litigation, USCIS is committed to effective

background checks, and thus is committed to the FBI name check. In fact, under the new fee rule currently under review, USCIS proposes to dedicate more funds to the FBI name check process as the FBI has indicated the fees they charge for these checks will increase and additional staff will be added to the process. This should help to speed up the name check process and reduce the backlog significantly.

Use of the 39 percent positive response rate as referenced by USCIS to justify continuing this program may exaggerate the value of the FBI name check. It is unclear how many of the FBI name check "responses" also were revealed by one or more of the other security checks conducted for the applications. To date, the Ombudsman has been unable to ascertain from USCIS the total number of actual problem cases that the agency discovered exclusively as a result of the FBI name check. The Ombudsman understands that most, if not all, of the problem cases which would result in an eventual denial of benefits also can be revealed by the other more efficient, automated criminal and security checks that USCIS initiates.

#### COMMENTS FROM OMBUDSMAN'S TELECONFERENCE

*One caller mentioned that USCIS does not schedule applicants for interviews because security clearances are not yet completed. He suggested that USCIS needs to look at the cost-benefit of doing these clearances. The caller stated he is in the military and has a top secret clearance.*

*Another caller suggested that information could be sent every "X" number of months to the applicant or attorney that the application still is held up for pending name checks, which would avert the many update requests.*

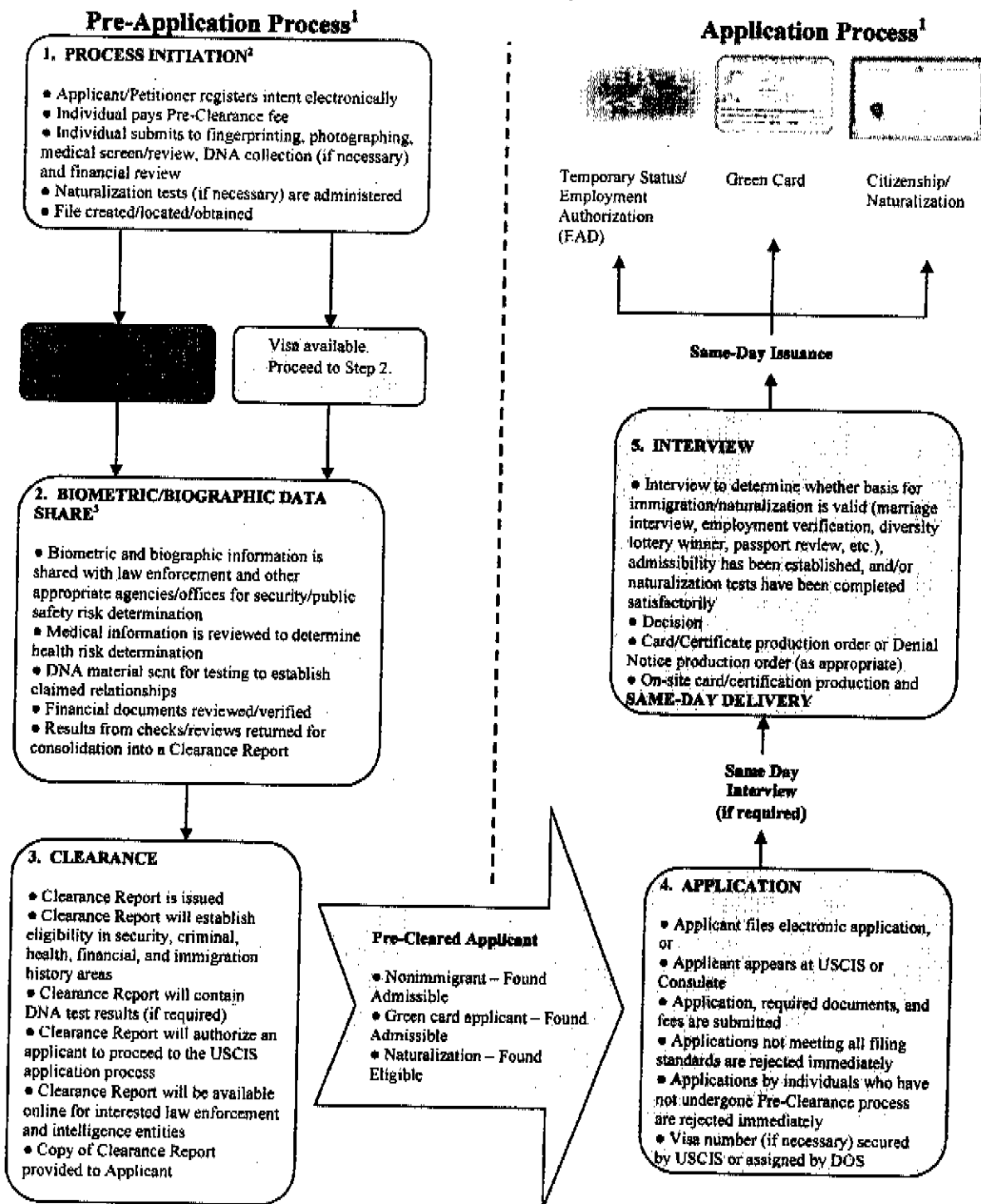
#### 4. Possible Solutions to the FBI Name Check Delays

During this and previous reporting periods, the Ombudsman had numerous meetings with USCIS leadership on FBI name checks and discussed a number of solutions to the name check logjam.

##### a. Pre-Application Security Checks

A possible solution to the name check problem is pre-application security checks. USCIS has not chosen to implement such a process, which would dramatically impact the agency's revenue stream for a short period of time. Simultaneously, USCIS is failing to make basic changes to its processing methodology to reduce fraud and ineligible applicants. Instead, USCIS continues to substantially fund a process with questionable value. USCIS maintains that the name check process is of value, but it remains unclear whether the process has added any additional value over the security processes already in place.

Figure 11: Ombudsman's Suggested Pre-Application Security Check Process



1. May be performed in the United States or abroad.

2. Can include individuals applying for nonimmigrant visas or changes of status, individuals applying for immigrant status (adjustment or consular process), refugees, and naturalization applicants.

3. DHS/USCIS will collect and share data through an integrated case (person-based) management system. A component of this system will be an immigration case management system.

Figure 11 outlines the security screening steps to clear an applicant prior to interview, where necessary, and for adjudication of the immigration benefits application. The applicant/petitioner would register intent and pay a fee to cover the costs of the process. Pre-application is more than a pre-screening that determines *prima facie* eligibility. It moves the case to an adjudicating officer who reviews the file and interviews the applicant, if necessary. Since all fingerprints, biometrics, security clearances, necessary documents, medical evaluation, financial support, and visa availability are cleared, the applicant can be processed to conclusion immediately after interview. A Clearance Report is documentary proof that the applicant successfully completed the pre-application process. This process would place biometrics capture and security screening in the hands of appropriate law enforcement/contract employees, trained in the pre-screening process, and the determination of eligibility for benefits in the hands of USCIS officers trained in immigration law.

The agency also should review the DHS resources available to assist in exploring options to solve the backlogged FBI name check process. A number of DHS law enforcement entities perform security checks similar to those performed by USCIS.

**b. USCIS Background Check Service IT System for Tracking FBI Name Check Cases**

USCIS' 2006 Annual Report Response (at p. 10) indicates that the agency's planned Background Check Service (BCS), a new IT system that will track the status of background and security checks for pending cases, was to be implemented in late April with deployment beginning in May 2007. As of this writing, the BCS is not yet deployed. Currently, USCIS has limited capability to produce reports detailing the status of long-pending FBI name check cases. In addition, USCIS systems do not automatically indicate when a delayed name check is complete and the case can be adjudicated. Often, this leads to a situation where the validity of other checks expire before USCIS reviews the case. Those other checks then need to be reinitiated, adding financial and time costs for applicants and USCIS. The Ombudsman fully supports the expeditious rollout of the BCS system.

**c. A Risk-Based Approach to FBI Name Checks**

Name checks do not differentiate whether the individual has been in the United States for many years or a few days, is from and/or has traveled frequently to a country designated as a State Sponsor of Terrorism, or is a member of the U.S. military. Many individuals subject to lengthy name checks are either already green card holders or have been issued Employment Authorization Documents (EADs). These documents allow them to receive Social Security cards and state drivers' licenses. Most green card applicants are also eligible to receive advance parole enabling them to travel outside the United States and return as long as their cases are pending, which can be for many years under the current process.

**CASE PROBLEM**

*In early 2006, the applicant applied for naturalization. USCIS informed the applicant that the application is pending due to the FBI name check. The applicant currently is a contract employee for a federal agency and was security screened prior to beginning that employment.*

**CASE PROBLEM**

*The applicant's green card application was filed in early 2004. The application remains pending due to the FBI name check. The applicant previously served as a security officer at a U.S. embassy and was subject to rigorous security screening for the position.*

In November 2006, Secretary Chertoff discussed a risk-based approach to homeland security threats, vulnerabilities, and consequences:

[T]he core principle that animates what we do at DHS . . . is risk management. It is a recognition of the fact that management of risk is not elimination of risk. There is no elimination of risk in life, and anybody who promises every single person protection against every threat at every moment in every place in the country is making a false promise . . . . What we do have to do is identify and prioritize risks -- understanding the threat, the vulnerability and the consequence. And then we have to apply our resources in a cost-effective manner, using discipline and common sense in order to minimize the risk without imposing undue cost on our communities and our families.<sup>43</sup>

Despite Secretary Chertoff's continuing emphasis on risk management, USCIS performs FBI name checks without the benefit of risk management modeling. In recent visits to USCIS field offices, a number of leaders have questioned the usefulness of the FBI name checks citing some of the same concerns discussed here. The process is not working and consideration should be given to re-engineering it to include a risk-based approach to immigration screening and national security. The U.S. Government Accountability Office recently noted in a report that "[w]hile the Secretary of DHS has expressed a commitment to risk management, DHS has not

<sup>43</sup> DHS Secretary Michael Chertoff, Prepared Remarks at the 2006 Grants & Training National Conference, Washington, D.C. (Nov. 28, 2006); [http://www.dhs.gov/xnews/speeches/sp\\_1164738645429.shtml](http://www.dhs.gov/xnews/speeches/sp_1164738645429.shtml) (last visited June 3, 2007).



performed comprehensive risk assessments in . . . immigration and customs systems to guide resource allocation decisions."<sup>44</sup>

Every effort should be undertaken to identify and remove persons who pose threats to the United States, which would include rescinding immigration benefits after USCIS has granted them. It would be irresponsible for law enforcement entities to stop their investigation of a potential crime merely because the person who is the subject of their investigation has obtained a green card or U.S. citizenship. Similarly, it would be illogical to think that delaying issuance of a green card or U.S. citizenship will prevent a criminal from committing a crime. Considering the protection the FBI name check provides, the cost of government resources used, and mental and actual hardships to applicants and their families, USCIS should reassess the continuation of its policy to require FBI name checks in their current form.

**RECOMMENDATION AR 2007 -- 06**

*In addition to the Ombudsman's recommendation in the 2006 Annual Report, AR 2006-04, the Ombudsman recommends that USCIS: (1) evaluate the value of the name check in its current format and establish a risk-based approach to screening for national security concerns; (2) work with the FBI to provide the necessary resources to perform name checks in a timely manner; and (3) provide greater transparency to customers by publishing monthly the number of long-pending FBI name check cases.*

**G. Interim Benefits**

The Ombudsman strongly supports efforts by USCIS to eliminate the need for interim benefits in favor of timely, efficient, and secure adjudication of the ultimate immigration benefit.

**1. Background**

Generally, USCIS issues interim benefits – EADs and advance parole documents (international travel documents) – to individuals who have green card applications pending with the agency for over 90 days.<sup>45</sup> The Ombudsman is encouraged by constructive dialogue with USCIS during the reporting period that addresses funding and security issues related to the processing of interim benefits.

On May 30, 2007, USCIS established new filing fees for immigration benefits.<sup>46</sup> Under the new fee schedule, USCIS will charge a single fee for green card applications to include recovery of the processing costs for interim benefits. The Ombudsman supports this approach to

<sup>44</sup> U.S. Government Accountability Office Report "Homeland Security: Management and Programmatic Challenges Facing the Department of Homeland Security," GAO-07-398T at 2 (Feb. 2007); <http://www.gao.gov/new.items/d07398t.pdf> (last visited June 6, 2007).

<sup>45</sup> See 8 C.F.R. § 274a.13(d).

<sup>46</sup> See "Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule," 72 Fed. Reg. 29,851 (May 30, 2007); see also section III.H.1.